NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
1985

FEDERAL REGISTER

Vol. 81 Tuesday,
No. 138 July 19, 2016

Pages 46827–47000

OFFICE OF THE FEDERAL REGISTER

1985

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.ofr.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at *www.fdsys.gov*, a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, 1 (January 2, 1994) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, *gpocusthelp.com.*

The annual subscription price for the **Federal Register** paper edition is $749 plus postage, or $808, plus postage, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 81 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC	
Subscriptions:	
Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**
General online information	**202–512–1530; 1–888–293–6498**
Single copies/back copies:	
Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800** **(Toll-Free)**
FEDERAL AGENCIES	
Subscriptions:	
Assistance with Federal agency subscriptions:	
Email	*FRSubscriptions@nara.gov*
Phone	**202–741–6000**

Printed on recycled paper.

Contents

Federal Register

Vol. 81, No. 138

Tuesday, July 19, 2016

Agriculture Department

See Animal and Plant Health Inspection Service
See Food and Nutrition Service
See Forest Service
See Grain Inspection, Packers and Stockyards Administration

Animal and Plant Health Inspection Service

NOTICES

Pest Risk Analysis:
  Importation of Fresh Star Apple Fruit from Vietnam into the Continental United States, 46886

Census Bureau

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
  2017 Puerto Rico Census Test, 46895–46898

Centers for Medicare & Medicaid Services

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 46925–46927

Coast Guard

RULES

Drawbridge Operations:
  State Boat Channel, Captree Island, NY, 46833
Inspection of Towing Vessels, 46848
Safety Zones:
  Fleet Week Maritime Festival, 2016, Pier 66, Elliott Bay, Seattle, WA, 46835–46836
  Navy UNDET, Apra Outer Harbor, GU, 46833–46835

Commerce Department

See Census Bureau
See Industry and Security Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration
See National Telecommunications and Information Administration

Community Living Administration

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:
  OAA Title III–C Evaluation, 46927
  State Program Report, 46928
Meetings:
  Administration on Disabilities, President's Committee for People with Intellectual Disabilities, 46927–46928

Corporation for National and Community Service

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 46913

Defense Department

See Engineers Corps

Drug Enforcement Administration

NOTICES

Bulk Manufacturer of Controlled Substances; Applications:
  Cambrex Charles City, 46956
Importer of Controlled Substances; Applications:
  Rhodes Technologies, 46956–46957

Education Department

NOTICES

Meetings:
  President's Board of Advisors on Historically Black Colleges and Universities, 46915–46916

Energy Department

See Federal Energy Regulatory Commission

NOTICES

Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations; Applications:
  Rio Grande LNG, LLC, 46918–46920
Meetings:
  Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation, 46916
  National Petroleum Council, 46916–46917
  State Energy Advisory Board; Teleconference, 46917
Requests for Information:
  Excess Uranium Management: Effects of DOE Transfers of Excess Uranium on Domestic Uranium Mining, Conversion, and Enrichment Industries, 46917–46918

Engineers Corps

NOTICES

Meetings:
  Board on Coastal Engineering Research, 46913–46914

Environmental Protection Agency

RULES

Air Quality State Implementation Plans; Approvals and Promulgations:
  Revisions to Permits, Rules and Approval Orders; Utah, 46836–46838
Alternative Test Procedures for the Analysis of Contaminants under the Safe Drinking Water Act:
  Analysis and Sampling Procedures; Expedited Approval, 46839–46848

PROPOSED RULES

Air Quality State Implementation Plans; Approvals and Promulgations:
  Arizona; Regional Haze State and Federal Implementation Plans; Reconsideration, 46852–46865
  New Hampshire; Regional Haze 5-Year Report, 46866–46870
  Revisions to Permits, Rules and Approval Orders; Utah, 46865–46866

Federal Aviation Administration

PROPOSED RULES

Establishment of Restricted Areas:
  R–2509E, R–2509W, R–2509N, Twentynine Palms, CA; Withdrawal, 46851
Proposed Modification of Class E Airspace:
  Napa, CA, 46850–46851

NOTICES
Petitions for Exemption; Summaries:
  Area-I, Incorporated, 46996–46997
  Continuum Dynamics Inc., 46997–46998
  Flirtey Inc., 46997
  Homeland Surveillance and Electronics LLC, 46996

Federal Communications Commission
PROPOSED RULES
Process Reform for Executive Branch Review:
  Certain FCC Applications and Petitions Involving Foreign Ownership, 46870–46883
NOTICES
Privacy Act System of Records, 46922–46924

Federal Energy Regulatory Commission
NOTICES
Environmental Assessments; Availability, etc.:
  Alaska Energy Authority, 46920
Meetings; Sunshine Act, 46920–46922

Federal Reserve System
NOTICES
Changes in Bank Control:
  Acquisitions of Shares of a Bank or Bank Holding Company, 46924–46925

Federal Retirement Thrift Investment Board
NOTICES
Meetings; Sunshine Act, 46925

Food and Drug Administration
RULES
Emergency Permit Control Regulations; Technical Amendments, 46828–46832
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
  Bar Code Label Requirement for Human Drug and Biological Products, 46940–46941
  Protection of Human Subjects—Informed Consent; Institutional Review Boards, 46935–46938
International Council for Harmonisation Guidance:
  E2C(R2) Periodic Benefit-Risk Evaluation Report and E2C(R2) Periodic Benefit-Risk Evaluation Report—Questions and Answers, 46938–46940
Meetings:
  Pediatric Clinical Investigator Training Workshop; Correction, 46941
  Pre-Clinical Evaluation of Red Blood Cells for Transfusion; Public Workshop, 46928–46929
  Prescription Drug User Fee Act, 46929–46935

Food and Nutrition Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
  FDPIR Nutrition Paraprofessional Training Assessment for Indian Tribal Organizations, 46887–46890

Forest Service
NOTICES
Final Directive for National Saw Program, 46890–46895

Geological Survey
NOTICES
Intent to Grant an Exclusive License, 46953

Grain Inspection, Packers and Stockyards Administration
NOTICES
Designation for the West Sacramento, CA and Richmond, VA Areas, 46895

Health and Human Services Department
See Centers for Medicare & Medicaid Services
See Community Living Administration
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 46944
Designation of a Class of Employees for Addition to the Special Exposure Cohort, 46943–46944
Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort, 46943

Health Resources and Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
  Rural Health Care Coordination Network Partnership, 46942–46943
  Scholarships for Disadvantaged Students Program, 46941–46942

Homeland Security Department
See Coast Guard
See U.S. Citizenship and Immigration Services
See U.S. Customs and Border Protection

Industry and Security Bureau
NOTICES
Orders Denying Export Privileges:
  Fang Liwu; Beijing, China, 46898–46899

Interior Department
See Geological Survey
See Land Management Bureau

Internal Revenue Service
RULES
Inversions and Related Transactions; Correction, 46832–46833

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
  Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China, 46904–46906
  Multilayered Wood Flooring from the People's Republic of China, 46899–46904, 46906–46907
Meetings:
  United States Manufacturing Council, 46904

International Trade Commission
NOTICES
Investigations; Determinations, Modifications, and Rulings, etc.:
  Certain Windscreen Wipers and Components Thereof, 46956

Justice Department
See Drug Enforcement Administration

See Prisons Bureau

Land Management Bureau

NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 46954–46955
Oil and Gas Leases:
  Wyoming; Proposed Reinstatement, 46954

National Archives and Records Administration

NOTICES
Privacy Act; Systems of Records; Withdrawal, 46957

National Highway Traffic Safety Administration

NOTICES
Importation Eligibilities:
  2011 Ducati Multistrada Motorcycles, 46998–46999
Meetings:
  Test Device for Human Occupant Restraint, 46999–47000

National Institutes of Health

NOTICES
Meetings:
  Eunice Kennedy Shriver National Institute of Child Health and Human Development Special Emphasis Panel, 46944
  National Heart, Lung, and Blood Institute Special Emphasis Panel, 46945

National Oceanic and Atmospheric Administration

RULES
Reef Fish Fishery of the Gulf of Mexico:
  Gulf of Mexico Gray Triggerfish; Recreational Accountability Measures and Closure, 46848–46849
PROPOSED RULES
Fisheries of the Exclusive Economic Zone Off Alaska:
  Bering Sea and Aleutian Islands Management Area; Amendment 113, 46883–46885

National Telecommunications and Information Administration

NOTICES
State Alternative Plan Program and the First Responder Network Authority Nationwide Public Safety Broadband Network, 46907–46913

National Women's Business Council

NOTICES
Meetings:
  Quarterly Public Meeting, 46958

Nuclear Regulatory Commission

NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
  NRC Form 314, Certificate of Disposition of Materials, 46972–46973
Facility Operating Licenses and Combined Licenses:
  Applications and Amendments Involving Proposed No Significant Hazards Considerations, etc., 46958–46970
Guidance for Closure of Activities Related to Recommendation 2.1, Flooding Hazard Reevaluation, 46970–46972
Meetings; Sunshine Act, 46970

Pension Benefit Guaranty Corporation

NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 46973–46974

Personnel Management Office

RULES
Program Fraud Civil Remedies:
  Civil Monetary Penalty Inflation Adjustment, 46827–46828

Postal Service

NOTICES
International Product Changes:
  Inbound Market Dominant Registered Service Agreement, 46974

Prisons Bureau

NOTICES
Annual Determinations:
  Average Cost of Incarceration, 46957

Securities and Exchange Commission

NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 46978–46979, 46988
Meetings; Sunshine Act, 46988, 46994
Order Granting Limited Exemptions from Exchange Act Rules:
  PowerShares DWA Momentum and Low Volatility Rotation Portfolio, 46988–46990
Self-Regulatory Organizations; Proposed Rule Changes:
  Bats EDGA Exchange, Inc., 46984–46985
  Bats EDGX Exchange, Inc., 46974–46975
  BOX Options Exchange LLC, 46990–46994
  C2 Options Exchange, Inc., 46986–46987
  Chicago Board Options Exchange, Inc., 46975–46978
  NASDAQ PHLX LLC, 46979–46984

Trade Representative, Office of United States

NOTICES
National Trade Estimate Report on Foreign Trade Barriers, 46994–46996

Transportation Department

See Federal Aviation Administration
See National Highway Traffic Safety Administration

Treasury Department

See Internal Revenue Service

U.S. Citizenship and Immigration Services

NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
  Petition for Nonimmigrant Worker, 46951–46952
  Registration for Classification as a Refugee, 46952–46953

U.S. Customs and Border Protection

NOTICES
Accreditation and Approval as a Commercial Gauger and Laboratory:
  Camin Cargo Control, Inc., 46945–46948
  SGS North America, Inc., 46948–46951
Accreditation and Approval as a Commercial Gauger:
  Barrios Measurement Services LLC, 46951
Approval as a Commercial Gauger:
  Marine Technical Surveyors, Inc., 46947

SGS North America, Inc., 46945

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

5 CFR
185....................................46827

14 CFR
Proposed Rules:
71......................................46850
73......................................46851

21 CFR
108....................................46828

26 CFR
1..46832

33 CFR
117....................................46833
165 (2 documents) 46833, 46835

40 CFR
52......................................46836
141....................................46839
Proposed Rules:
52 (3 documents) 46852, 46865, 46866

46 CFR
1..46848
2..46848
15......................................46848
136....................................46848
137....................................46848
138....................................46848
139....................................46848
140....................................46848
141....................................46848
142....................................46848
143....................................46848
144....................................46848
199....................................46848

47 CFR
Proposed Rules:
0..46870
1..46870
63......................................46870

50 CFR
622....................................46848
Proposed Rules:
679....................................46883

Rules and Regulations

Federal Register
Vol. 81, No. 138
Tuesday, July 19, 2016

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 185

RIN 3206–AN39

Program Fraud Civil Remedies: Civil Monetary Penalty Inflation Adjustment

AGENCY: Office of Personnel Management (OPM).

ACTION: Interim rule.

SUMMARY: This rule adjusts the level of civil monetary penalties contained in U.S. Office of Personnel Management regulations implementing the Program Fraud Civil Remedies Act of 1986, with an initial "catch-up" adjustment under the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and Office of Management and Budget guidance.

DATES: *Effective Date:* August 1, 2016.

Comment Date: Comments due on or before August 18, 2016.

ADDRESSES: You may submit comments, identified by RIN 3206–AN39, by any of the following methods:

1. Internet—Send comments via email to *katherine.pickar@opm.gov.*
2. Fax—(202) 606–0082.
3. Mail—Office of the General Counsel, ATTN: Katherine Pickar, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415.

Do not submit the same comments multiple times or by more than one method. Regardless of which method you choose, please state that your comments refer to RIN 3206–AN39.

Caution: You should be careful to include in your comments only information that you wish to make publicly available as comments are posted without change, with any personal information provided. OPM strongly urges you not to include in your comments any personal information, such as Social Security numbers, Civil Service Annuity/Final numbers, and/or medical information.

FOR FURTHER INFORMATION CONTACT: Katherine M. Pickar, Office of the General Counsel, Office of Personnel Management, 1900 E St. NW., Washington, DC 20415, *Katherine.pickar@opm.gov,* (202) 606–1700.

SUPPLEMENTARY INFORMATION:

I. Background

On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114–74) ("the Act"). The Act requires agencies to: (1) Adjust the level of civil monetary penalties with an initial "catch-up" adjustment through an interim final rulemaking, and (2) make subsequent annual adjustments for inflation. The purpose of these adjustments is to maintain the deterrent effect of civil penalties.

This rule adjusts the following civil monetary penalties:

CFR Citation	Description of the penalty	Current penalty	Catchup adjustment	Adjusted penalty
5 CFR 185.103(a)	Civil Penalty for False Claims	$5,000	$5,781	$10,781
5 CFR 185.103(f)(2)	Civil Penalty for False Statements	5,000	5,781	10,781

This interim final rule is being issued without prior public notice or opportunity for public comments. The 2015 Act's amendments to the Inflation Adjustment Act require the agency to adjust penalties initially through an interim final rulemaking, which does not require the agency to complete a notice and comment process prior to promulgating the interim final rule. The amendments also explicitly require the agency to make subsequent annual adjustments notwithstanding 5 U.S.C. 553 (the section of the Administrative Procedure Act that normally requires agencies to engage in notice and comment). Additionally, the formula used for adjusting the amount of civil penalties is given by statute, with no discretion provided to OPM regarding the substance of the adjustments. OPM is charged only with performing ministerial computations to determine the amount of adjustment to the civil penalties due to increases in the Consumer Price Index for all Urban Consumers (CPI–U).

II. Calculation of Adjustment

The Office of Management and Budget (OMB) issued guidance on calculating the catch-up adjustment. *See* February 24, 2016, Memorandum for the Heads of Executive Departments and Agencies, from Shaun Donovan, Director, Office of Management and Budget, re: *Implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.* Under this guidance, OPM has identified applicable civil monetary penalties and calculated the catch-up adjustment. A civil monetary penalty is any assessment with a dollar amount that is levied for a violation of a Federal civil statute or regulation, and is assessed or enforceable through a civil action in Federal court or an administrative proceeding. A civil monetary penalty does not include a penalty levied for violation of a criminal statute, or fees for services, licenses, permits, or other regulatory review. The calculated catch-up adjustment is based on the percent change between the Consumer Price Index for all Urban Consumers (CPI–U) for the month of October in the year of the previous adjustment (or in the year of establishment, if no adjustment has been made) and the October 2015 CPI–U.

For purposes of the initial adjustment under the 2015 Act, while 5 CFR part 185 was not promulgated until 1995, the civil penalties listed in part 185 were established in 1986 with the enactment of the Program Fraud Civil Remedies Act of 1986, Public Law 99–509, §§ 6101–6104, 100 Stat. 1874 (October 21, 1986), codified at 31 U.S.C. 3801–3812. The amount of the penalties have not been changed since 1986. The 1986 establishment of the Program Fraud Civil Remedies Act of 1986 serves as the base figure for the inflation calculation. Between October 1986 and October 2015, the CPI–U has increased by 215.628 percent. The post-adjustment penalty amount or range is obtained by multiplying the pre-adjustment penalty amount or range by the percent change in the CPI–U over the relevant time period, and rounding to the nearest dollar. Therefore, the new, post-adjustment penalty under the PFCRA is $5,000 × 2.15628 = $10,781.40, which rounds to $10,781. The new, post-adjustment penalties are less than 250 percent of the pre-adjustment penalties, so the limitation on the amount of the adjustment is not implicated.

III. Procedural Requirements

A. Regulatory Impact Analysis: Executive Order 12866, as Supplemented by Executive Order 13563

OPM, with the concurrence of the Office of Management and Budget (OMB), has determined that this is not a significant regulatory action under Executive Order 12866, as supplemented by Executive Order 13563. Therefore, no regulatory impact analysis is required.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires an agency to prepare a regulatory flexibility analysis for rules unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency is required to first publish a proposed rule. See 5 U.S.C. 603(a) and 604(a). The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 requires agencies to adjust civil penalties with an initial catch-up adjustment through an interim final rule. An interim final rule does not include first publishing a proposed rule. Thus, the RFA does not apply to this final rule.

C. Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 804(2))

This rule is not a major rule under the Small Business Regulatory Enforcement Fairness Act. This rule:

(a) Does not have an annual effect on the economy of $100 million or more.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises.

D. Unfunded Mandate Reform Act of 1995 (2 U.S.C. 1532)

This rule does not involve a Federal mandate that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more and that such rulemaking will not significantly or uniquely affect small governments.

E. E.O. 12630, Takings

This rule does not have takings implications.

F. E.O. 13132, Federalism

This rule does not have federalism implications. The rule does not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

G. E.O. 12988, Civil Justice Reform

This rule complies with the requirements of E.O. 12988. Specifically, this rule:

(a) Does not unduly burden the judicial system.

(b) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(c) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

H. E.O. 13175, Consultation With Indian Tribes

In accordance with Executive Order 13175, OPM has evaluated this rule and determined that it has no tribal implications.

I. Paperwork Reduction Act

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13.

List of Subjects in 5 CFR Part 185

Administrative practice and procedure, Claims, Fraud, Penalties.

U.S. Office of Personnel Management.

Beth F. Cobert,

Acting Director.

For the reasons set forth in the preamble, amend part 185 of title 5 of the Code of Federal Regulations as follows:

PART 185—PROGRAM FRAUD CIVIL REMEDIES: CIVIL MONETARY PENALTY INFLATION ADJUSTMENT

■ 1. The authority citation for part 185 is revised to read as follows:

Authority: 28 U.S.C. 2461 note; 31 U.S.C. 3801–3812.

§ 185.103 [Amended]

■ 2. Section 185.103 is amended as follows:

■ a. In paragraph (a) introductory text, remove "$5,000" and add in its place "$10,781".

■ b. In paragraph (f)(2), remove "$5,000" and add in its place "$10,781".

[FR Doc. 2016–17026 Filed 7–18–16; 8:45 am]

BILLING CODE 6325–48–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 108

[Docket No. FDA–2015–N–2819]

Emergency Permit Control Regulations; Technical Amendments

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendments.

SUMMARY: The Food and Drug Administration (FDA or we) is amending certain regulations pertaining to registration and process filings related to acidified foods and thermally processed low-acid foods packaged in hermetically sealed containers (historically referred to as "low-acid canned foods" or "LACF"). The amendments reflect new FDA process filing form numbers, make changes to addresses or locations where such forms can be found or must be sent, remove obsolete references to the effective dates that occurred years ago, and update a reference to another Federal Agency.

DATES: This rule is effective August 18, 2016. See section VI for further information on the filing of objections. Submit either electronic or written objections and requests for a hearing by August 18, 2016.

ADDRESSES: You may submit objections and requests for a hearing as follows:

Electronic Submissions

Submit electronic objections in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Objections submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your objection will be made public, you are solely responsible for ensuring that your objection does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your objection, that information will be posted on *http://www.regulations.gov.*

- If you want to submit an objection with confidential information that you do not wish to be made available to the public, submit the objection as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- Mail/Hand delivery/Courier (for written/paper submissions): Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper objections submitted to the Division of Dockets Management, FDA will post your objection, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA–2015–N–2819 for "Emergency Permit Control Regulations; Technical Amendments." Received objections will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit an objection with confidential information that you do not wish to be made publicly available, submit your objections only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Susan Brecher, Center for Food Safety and Applied Nutrition (HFS–302), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740–3835, 240–402–1781.

SUPPLEMENTARY INFORMATION:

I. Background

Among other things, our current regulations at part 108 (21 CFR part 108) provide that a commercial processor, when first engaging in the manufacture, processing, or packing of acidified foods or low-acid canned foods, must, not later than 10 days after first so engaging, register and file with FDA information including the name of the establishment, principal place of business, the location of each establishment in which that processing is carried on, the processing method, and a list of foods so processed in each establishment (§§ 108.25(c)(1) and 108.35(c)(1) (21 CFR 108.25(c)(1) and 108.35(c)(1))). In addition, our regulations require the submission of process filing forms. Specifically, our regulations require that commercial processors engaged in the processing of acidified foods must, not later than 60 days after registration, and before packing any new product, provide FDA with information on the scheduled processes for each acidified food in each container size (§ 108.25(c)(2)). An analogous requirement for process filing applies to commercial processors of low-acid canned foods (§ 108.35(c)(2)). The regulations specify the specific process filing forms to be used (Forms FDA 2541a and 2541c), and also state where the forms can be obtained and where the forms should be sent.

We recently engaged in an effort to modernize our forms and to provide a means for submitting the forms using electronic "smart form" technology. This effort involved the drafting of four new process filing forms: Forms FDA 2541d, FDA 2541e, FDA 2541f, and FDA 2541g. (For more information about the new process filing forms, see "Guidance for Industry: Submitting Form FDA 2541 (Food Canning Establishment Registration) and Forms FDA 2541d, FDA 2541e, FDA 2541f, and FDA 2541g (Food Process Filing Forms) to FDA in Electronic or Paper Format," available at *http://www.fda.gov/FoodGuidances.*) We announced that drafts of the new forms were available for public comment in a notice published in the **Federal Register** of January 14, 2014 (79 FR 2448). After considering public comment, we modified the content of the forms where appropriate and announced the availability of the finalized new process filing forms in a notice published in the **Federal Register** of October 8, 2015 (80 FR 60909).

II. Legal Authority

We are issuing this final rule under the Federal Food, Drug, and Cosmetic Act (the FD&C Act). Section 404(a) of the FD&C Act (21 U.S.C. 344(a)) provides that whenever the Secretary of Health and Human Services (the Secretary) finds after investigation that the distribution in interstate commerce of any class of food may, by reason of contamination with micro-organisms during the manufacture, processing, or packing thereof in any locality, be injurious to health, and that such injurious nature cannot be adequately determined after such articles have entered interstate commerce, the Secretary then shall issue regulations providing for the issuance, to manufacturers, processors, or packers of such class of food in such locality, of permits to which shall be attached such conditions governing the manufacture, processing, or packing of such class of food, for such temporary period of time, as may be necessary to protect the public health. Under section 404 of the FD&C Act, our regulations in part 108 have long required registration of food processing establishments, filing of process information, and maintenance of processing and production records for acidified foods and low-acid canned foods. Under section 701(e) of the FD&C Act (21 U.S.C. 371(e)), any action for the issuance, amendment, or repeal of any regulation under section 404(a) of the FD&C Act shall be begun by a proposal made either by the Secretary on his own initiative or by petition of any interested persons, showing reasonable grounds therefor, filed with the Secretary. The Secretary shall publish such proposal and shall afford all interested persons an opportunity to present their views thereon, orally or in writing. As soon as practicable thereafter, the Secretary shall by order act upon the proposal and make such order public. Except as provided in section 701(e)(2) of the FD&C Act, the order shall become effective at such time as may be specified therein, but not before the day following the last day on which objections may be filed under section 701(e)(2) of the FD&C Act.

III. The Proposed Rule

The new process filing forms described in section I will make it easier for firms to submit information to us and will improve the accuracy of the information submitted in the forms. In conjunction with these changes in the forms, in the **Federal Register** of September 22, 2015 (80 FR 57137), we proposed to make technical amendments to § 108.25, "Acidified Foods," and § 108.35, "Thermal Processing of Low-Acid Foods Packaged in Hermetically Sealed Containers." Specifically, we proposed to incorporate the new FDA form numbers. By incorporating the new FDA form numbers into part 108, the proposed rule would cause the new forms to fully replace the forms currently listed in part 108.

In addition, we proposed to make changes to the addresses or locations where forms can be found or must be sent. Finally, we proposed to remove obsolete references to dates that occurred years ago and update the name of the Agency of the U.S. Department of Agriculture that administers the meat and poultry inspection programs under the Federal Meat Inspection Act and the Poultry Products Inspection Act.

IV. Public Comments

We received one comment on the proposed rule. This comment alerted us to the omission of the word "and" in the name of the Federal Agency that administers the meat and poultry inspection programs under the Federal Meat Inspection Act and the Poultry Products Inspection Act. The name of that Federal Agency is the "Food Safety and Inspection Service," not the "Food Safety Inspection Service," and we have revised the rule accordingly.

V. Description of the Final Rule

The final rule makes those technical amendments to § 108.25, "Acidified Foods," and § 108.35, "Thermal Processing of Low-Acid Foods Packaged in Hermetically Sealed Containers" that we described in the proposed rule and summarized in section I of this document, with the correction noted in section IV of this document. See the amended regulatory text of §§ 108.25(c)(1) and (2) and 108.35(c)(1) and (2) and (i). The final rule will cause the new process filing forms to fully replace the forms currently listed in part 108 (*i.e.* Forms FDA 2541a and FDA 2541c).

VI. Objections

This rule is effective as shown in the **DATES** section, except as to any provisions that may be stayed by the filing of proper objections. If you will be adversely affected by one or more provisions of this regulation, you may file with the Division of Dockets Management (see **ADDRESSES**) either electronic or written objections. You must separately number each objection, and within each numbered objection you must specify with particularity the provision(s) to which you object, and the grounds for your objection. Within each numbered objection, you must specifically state whether you are requesting a hearing on the particular provision that you specify in that numbered objection. If you do not request a hearing for any particular objection, you waive the right to a hearing on that objection. If you request a hearing, your objection must include a detailed description and analysis of the specific factual information you intend to present in support of the objection in the event that a hearing is held. If you do not include such a description and analysis for any particular objection, you waive the right to a hearing on the objection.

Any objections received in response to the regulation may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov*. We will publish notice of the objections that we have received or lack thereof in the **Federal Register**.

VII. Economic Analysis of Impacts

We are publishing this final rule under the formal rulemaking process. *Executive Order 12866* does not require us to analyze the costs and benefits of final rules that we publish under this rulemaking process.

The Regulatory Flexibility Act requires Agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. The final rule amends §§ 108.25 and 108.35 to delete obsolete references to long-expired effective dates, make changes to FDA addresses or locations, and reflect new process filing forms. With regard to the new process filing forms, we are replacing references to Forms FDA 2541a and FDA 2541c with references to four new process filing forms: Forms FDA 2541d, FDA 2541e, FDA 2541f, and FDA 2541g. Some of the data entry fields on the four new process filing forms are not on current Forms FDA 2541a and FDA 2541c. The new forms add certain data entry fields to improve the efficiency of our review of the process filings. For example, the new forms include data entry fields for the "food product group" (such as liquid, ready-to-eat "breakfast foods"). In addition, the new forms provide for "smart form" technology using an electronic submission system. The updated process filing portion of the electronic submission system queries the processor about the processes used to produce the food and presents only those data entry fields that are applicable. As a result, processors will no longer need to evaluate whether particular data entry fields are applicable to their products. For example, when a processor submits a process filing for a product that is processed using a low-acid retorted method with a process mode of "agitating," smart form technology would bypass questions that are not applicable to this process mode option. We estimate that the additional time it would take processors to complete the new information requested on the new forms would be offset by the time processors will save by not having to evaluate whether certain data entry fields on Form FDA 2541a or FDA 2541c are applicable to their products. Hence, we certify that the rule will not have a significant economic impact on a substantial number of small entities.

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that Agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before issuing "any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year." The current threshold after adjustment for inflation is $146 million, using the most current (2015) Implicit Price Deflator for the Gross Domestic Product. FDA does not expect this final rule to result in any 1-year expenditure that would meet or exceed this amount.

VIII. Analysis of Environmental Impact

FDA has determined, under 21 CFR 25.30(i), that this final rule is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IX. Paperwork Reduction Act of 1995

This final rule contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). These collections of information have been previously approved under OMB control number 0910–0037, which expires September 30, 2017.

X. Federalism

We have analyzed this final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the rule does not contain policies that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, we conclude that the rule does not contain policies that have federalism implications as defined in the Executive order and, consequently, a federalism summary impact statement is not required.

List of Subjects in 21 CFR Part 108

Administrative practice and procedure, Foods, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, part 108 is amended as follows:

PART 108—EMERGENCY PERMIT CONTROL

■ 1. The authority citation for part 108 continues to read as follows:

Authority: 21 U.S.C. 342, 344, 371.

■ 2. In § 108.25, revise paragraphs (c)(1) and (2) to read as follows:

§ 108.25 Acidified foods.

* * * * *

(c)(1) *Registration.* A commercial processor, when first engaging in the manufacture, processing, or packing of acidified foods in any State, as defined in section 201(a)(1) of the act, shall, not later than 10 days after first so engaging, register and file with the Food and Drug Administration on Form FDA 2541 (food canning establishment registration) information including, but not limited to, the name of the establishment, principal place of business, the location of each establishment in which that processing is carried on, the processing method in terms of acidity and pH control, and a list of foods so processed in each establishment. These forms are available from the LACF Registration Coordinator (HFS–303), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, or at any Food and Drug Administration district office. The completed form shall be submitted to the Center for Food Safety and Applied Nutrition (HFS–565), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740. These forms also are available on the Food and Drug Administration's Web site at *http://www.fda.gov/Food/GuidanceRegulation/FoodFacilityRegistration/AcidifiedLACFRegistration/ucm2007436.htm.* For electronic submission go to FDA's Industry Systems Web site at *www.access.fda.gov.* Foreign processors shall register before any offering of foods for import into the United States. Commercial processors duly registered under this section shall notify the Food and Drug Administration not later than 90 days after the commercial processor ceases or discontinues the manufacture, processing, or packing of the foods in any establishment, except that this notification shall not be required for temporary cessations due to the seasonal character of an establishment's production or by temporary conditions including, but not limited to, labor disputes, fire, or acts of God.

(2) *Process filing.* A commercial processor engaged in the processing of acidified foods shall, not later than 60 days after registration, and before packing any new product, provide the Food and Drug Administration information on the scheduled processes including, as necessary, conditions for heat processing and control of pH, salt, sugar, and preservative levels and source and date of the establishment of the process, for each acidified food in each container size. Filing of this information does not constitute approval of the information by the Food and Drug Administration, and information concerning processes and other data so filed shall be regarded as trade secrets within the meaning of 21 U.S.C. 331(j) and 18 U.S.C. 1905. This information shall be submitted on Form FDA 2541e (Food Process Filing for Acidified Method). Forms are available from the LACF Registration Coordinator (HFS–303), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, or at any Food and Drug Administration district office. The completed form shall be submitted to the LACF Registration Coordinator (HFS–618), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740. These forms also are available on the Food and Drug Administration's Web site at *http://www.fda.gov/Food/GuidanceRegulation/FoodFacilityRegistration/AcidifiedLACFRegistration/ucm2007436.htm.* For electronic submission go to FDA's Industry Systems Web site at *www.access.fda.gov.*

* * * * *

■ 3. In § 108.35, revise paragraphs (c)(1), (c)(2) introductory text, (c)(2)(ii), and (i) to read as follows:

§ 108.35 Thermal processing of low-acid foods packaged in hermetically sealed containers.

* * * * *

(c) * * *

(1) *Registration.* A commercial processor when first engaging in the manufacture, processing, or packing of thermally processed low-acid foods in hermetically sealed containers in any State, as defined in section 201(a)(1) of the act, shall, not later than 10 days after first so engaging, register with the Food and Drug Administration on Form FDA 2541 (food canning establishment registration) information including (but not limited to) his name, principal place of business, the location of each establishment in which such processing is carried on, the processing method in terms of the type of processing equipment employed, and a list of the low-acid foods so processed in each such establishment. These forms are available from the LACF Registration Coordinator (HFS–303), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, or at any Food and Drug Administration district office. The completed form shall be submitted to the LACF Registration Coordinator (HFS–618), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr.,

College Park, MD 20740. These forms also are available on the Food and Drug Administration's Web site at *http://www.fda.gov/Food/GuidanceRegulation/FoodFacilityRegistration/AcidifiedLACFRegistration/default.htm.* For electronic submission go to FDA's Industry Systems Web site at *www.access.fda.gov.* Commercial processors duly registered in accordance with this section shall notify the Food and Drug Administration not later than 90 days after such commercial processor ceases or discontinues the manufacture, processing, or packing of thermally processed foods in any establishment: *Provided,* that such notification shall not be required as to the temporary cessation necessitated by the seasonal character of the particular establishment's production or caused by temporary conditions including but not limited to strikes, lockouts, fire, or acts of God.

(2) *Process filing.* A commercial processor engaged in the thermal processing of low-acid foods packaged in hermetically sealed containers shall, not later than 60 days after registration and prior to the packing of a new product, provide the Food and Drug Administration information as to the scheduled processes including but not limited to the processing method, type of retort or other thermal processing equipment employed, minimum initial temperatures, times and temperatures of processing, sterilizing value (Fo), or other equivalent scientific evidence of process adequacy, critical control factors affecting heat penetration, and source and date of the establishment of the process, for each such low-acid food in each container size: *Provided,* that the filing of such information does not constitute approval of the information by the Food and Drug Administration, and that information concerning processes and other data so filed shall be regarded as trade secrets within the meaning of 21 U.S.C. 331(j) and 18 U.S.C. 1905. This information shall be submitted on the following forms as appropriate: Form FDA 2541d (Food Process Filing for Low-Acid Retorted Method), Form FDA 2541f (Food Process Filing for Water Activity/Formulation Control Method), or Form FDA 2541g (Food Process Filing for Low-Acid Aseptic Systems). These forms are available from the LACF Registration Coordinator (HFS–303), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, or at any Food and Drug Administration district office. The completed form(s) shall be submitted to the LACF Registration Coordinator (HFS–303), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740. These forms also are available on the Food and Drug Administration's Web site at *http://www.fda.gov/Food/GuidanceRegulation/FoodFacilityRegistration/AcidifiedLACFRegistration/default.htm.* For electronic submission, go to FDA's Industry Systems Web site at *www.access.fda.gov.*

* * * * *

(ii) If a packer intentionally makes a change in a previously filed scheduled process by reducing the initial temperature or retort temperature, reducing the time of processing, or changing the product formulation, the container, or any other condition basic to the adequacy of scheduled process, he shall prior to using such changed process obtain substantiation by qualified scientific authority as to its adequacy. Such substantiation may be obtained by telephone, telegram, or other media, but must be promptly recorded, verified in writing by the authority, and contained in the packer's files for review by the Food and Drug Administration. Within 30 days after first use, the packer shall submit to the LACF Registration Coordinator (HFS–303), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740 a complete description of the modifications made and utilized, together with a copy of his file record showing prior substantiation by a qualified scientific authority as to the safety of the changed process. Any intentional change of a previously filed scheduled process or modification thereof in which the change consists solely of a higher initial temperature, a higher retort temperature, or a longer processing time, shall not be considered a change subject to this paragraph, but if that modification is thereafter to be regularly scheduled, the modified process shall be promptly filed as a scheduled process, accompanied by full information on the specified forms as provided in this paragraph.

* * * * *

(i) This section shall not apply to the commercial processing of any food processed under the continuous inspection of the meat and poultry inspection program of the Food Safety and Inspection Service of the Department of Agriculture under the Federal Meat Inspection Act (34 Stat. 1256, as amended by 81 Stat. 584 (21 U.S.C. 601 *et seq.*)) and the Poultry Products Inspection Act (71 Stat. 441, as amended by 82 Stat. 791 (21 U.S.C. 451 *et seq.*)).

* * * * *

Dated: July 12, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–16968 Filed 7–18–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9761]

RIN 1545–BM88

Inversions and Related Transactions; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final and temporary regulations; correcting amendment.

SUMMARY: This document contains corrections to a correction document for final and temporary regulations (TD 9761) that was published in the **Federal Register** on June 23, 2016 (81 FR 40810).

DATES: This correction is effective on July 19, 2016 and applicable on June 23, 2016.

FOR FURTHER INFORMATION CONTACT: Rose E. Jenkins at (202) 317–6934 (not a toll free number).

SUPPLEMENTARY INFORMATION:

Background

The final and temporary regulations (TD 9761) that are the subject of this correction are under sections 304, 367, 956, 7701(l), and 7874 of the Internal Revenue Code.

Correction of Publication

In correcting amendment FR Doc. 2016–14649, published in the issue of Thursday, June 23, 2016 (81 FR 40810), make the following correction:

On page 40811, in the first column, remove amendatory instruction 6.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.956–2T is amended by revising the first sentence of paragraph (a)(4)(iv) *Example 3.*(A), the second sentence of paragraph (a)(4)(iv) *Example 3.*(B), and the third sentence of paragraph (a)(4)(iv) *Example 4.*(B) to read as follows:

§ 1.956–2T Definition of United States property (temporary).

* * * * *

(a) * * *

(4) * * *

(iv) * * *

Example 3. (A) *Facts.* Before the inversion transaction, FA also wholly owns USP, a domestic corporation, which, in turn, wholly owns, LFS, a foreign corporation that is a controlled foreign corporation. * * *

(B) * * * Because LFS was a controlled foreign corporation and a member of the EAG with respect to the inversion transaction on the completion date, and DT was not a United States shareholder with respect to LFS on or before the completion date, LFS is excluded from the definition of expatriated foreign subsidiary pursuant to § 1.7874–12T(a)(9)(ii). * * *

Example 4. * * *

(B) * * * Because LFSS was not a member of the EAG with respect to the inversion transaction on the completion date, LFSS is not excluded from the definition of expatriated foreign subsidiary pursuant to § 1.7874–12T(a)(9)(ii). * * *

* * * * *

■ **Par. 3.** Section 1.7874–8T is amended by revising the ninth sentence of paragraph (h) *Example 3.*(ii) to read as follows:

§ 1.7874–8T Disregard of certain stock attributable to multiple domestic entity acquisitions (temporary).

* * * * *

(h) * * *

Example 3. * * *

(ii) * * * Accordingly, the excluded amount is $112.50x calculated as 150 (200, the total number of prior acquisition shares, less 50, the allocable redeemed shares) multiplied by $0.75x (the fair market value of a single share of FA stock on the completion date with respect to the DT2 acquisition). * * *

* * * * *

Martin V. Franks,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 2016–16470 Filed 7–18–16; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–0645]

Drawbridge Operation Regulation; State Boat Channel, Captree Island, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Captree State Parkway Bridge across the State Boat Channel, mile 30.7 at Captree Island, New York. This deviation is necessary to allow the bridge owner to perform painting and steel repairs.

DATES: This deviation is effective from September 6, 2016 to December 16, 2016.

ADDRESSES: The docket for this deviation, [USCG–2016–0645] is available at *http://www.regulations.gov.* Type the docket number in the "SEARCH" box and click "SEARCH". Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions about this temporary deviation, call or email Judy Leung-Yee, Project Officer, First Coast Guard District, telephone (212) 514–4330, email *judy.k.leung-yee@uscg.mil.*

SUPPLEMENTARY INFORMATION:

The Captree State Parkway Bridge, mile 30.7, across the State Boat Channel, has a vertical clearance in the closed position of 29 feet at mean high water and 30 feet at mean low water. The existing bridge operating regulations are found at 33 CFR 117.799(i).

The waterway is transited by seasonal recreational traffic.

New York State DOT, the owner of the bridge, requested a temporary deviation from the normal operating schedule to perform painting and steel repairs.

Under this temporary deviation, the Captree State Parkway Bridge will not open for marine traffic from September 6, 2016 to December 16, 2016.

Vessels able to pass under the bridge in the closed position may do so at anytime. The bridge will not be able to open for emergencies and there is no immediate alternate route for vessels to pass.

The Coast Guard will inform the users of the waterways through our Local Notice and Broadcast to Mariners of the change in operating schedule for the bridge so that vessel operations can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: July 14, 2016.

C.J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2016–17006 Filed 7–18–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2016–0555]

RIN 1625–AA00

Safety Zone; Navy UNDET, Apra Outer Harbor, GU

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 700-yard radius on the surface and 1400-yard radius underwater of the Navy underwater detonation operations in the waters of Apra Outer Harbor, Guam. The Coast Guard believes this safety zone regulation is necessary to protect all persons and vessel that would otherwise transit or be within the affected areas from possible safety hazards associated with underwater detonation operations. Entry of vessels or persons into these zones is prohibited unless specifically authorized by the Captain of the Port Guam.

DATES: This rule is effective from 8 a.m. through 4 p.m. on July 28, 2016.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2016–0555 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Chief Kristina Gauthier, Sector Guam, U.S. Coast Guard; telephone (671) 355–4866, email *Kristina.M.Gauthier@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable and contrary to public interest. The final details for this event were not known to the Coast Guard until there was insufficient time remaining before the operation to publish an NPRM. Thus, delaying the effective dates of this rule to wait for a comment period to run would be impracticable because it would inhibit the Coast Guard's ability to protect vessels and waterway users from the hazards associated with this operation.

We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. Due to the late notice and inherent danger in underwater detonation exercises, delaying the effective period of this safety zone would be contrary to public interest.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Guam has determined that potential hazards associated with the U.S. Navy training exercise, which include detonation of underwater explosive on July 28, 2016, will be a safety concern for anyone within a 700-yard radius on the surface and 1400-yard radius underwater of the operation. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone during the exercise. Mariners and divers approaching too close to such exercises could potentially expose the mariner to flying debris or other hazardous conditions.

IV. Discussion of the Rule

The safety zone will cover all navigable waters within 700-yards on the surface and 1400-yards underwater of vessels and machinery being used by the Navy. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters during the underwater detonation exercise. No vessel or person will be permitted to enter the safety zones without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive order related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has not been designated a "significant regulatory action," under Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the size, location, duration, and time-of-year of the safety zone. Vessel traffic will be able to safely transit around this safety zone which will impact a small designated area of waters in Apra Outer Harbor for 8 hours. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting eight hours that will prohibit entry within 700-yards on the surface and 1400-yards underwater of vessels and machinery being used by Navy personnel. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1

■ 2. Add § 165.T14–0555 to read as follows:

§ 165.T14–0555 Safety Zone; Navy UNDET, Apra Outer Harbor, GU.

(a) *Location.* The following areas, within the Guam Captain of the Port (COTP) Zone (See 33 CFR 3.70–15), from the surface of the water to the ocean floor, are safety zones: *Apra Outer Harbor, Guam July 28, 2016.* All surface waters bounded by a circle with a 700-yard radius and all underwater areas bounded by a circle with a 1400 yard radius centered at 13°27′42″ North Latitude and 144°38′30″ East Longitude, (NAD 1983).

(b) *Effective period.* This section is effective from 8 a.m. through 4 p.m. on July 28th, 2016.

(c) *Regulations.* The general regulations governing safety zones contained in § 165.23 apply. No vessels may enter or transit safety zones and no persons in the water may enter or transit safety zone unless authorized by the COTP or a designated representative thereof.

(d) *Enforcement.* Any Coast Guard commissioned, warrant, or petty officer, and any other COTP representative permitted by law, may enforce these temporary safety zones.

(e) *Waiver.* The COTP may waive any of the requirements of this section for any person, vessel, or class of vessel upon finding that application of the safety zone is unnecessary or impractical for the purpose of maritime security.

(f) *Penalties.* Vessels or persons violating this rule are subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 192.

Dated: June 24, 2016.

James B. Pruett,

Captain, U.S. Coast Guard, Captain of the Port, Guam.

[FR Doc. 2016–17036 Filed 7–18–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0062]

Safety Zone; Fleet Week Maritime Festival, 2016, Pier 66, Elliott Bay; Seattle, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Fleet Week Maritime Festival's Pier 66 Safety Zone in Elliott Bay, WA will be subject to enforcement from 8 a.m. until 8 p.m. on August 2, 2016, but within this time period the zone will only be enforced 30 minutes prior to the beginning, during, and 30 minutes following the conclusion of the parade of ships. This action is necessary to promote safety on navigable waters. During the enforcement period, entry into, transit through, mooring, or anchoring within this zone is prohibited unless authorized by the Captain of the Port, Puget Sound or his designated representative.

DATES: The regulations in 33 CFR 165.1330 will be subject to enforcement from 8 a.m. until 8 p.m. on August 2, 2016.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice of enforcement, call or email LT Kate Haseley, Sector Puget Sound Waterways Management Division, Coast Guard; telephone (206) 217–6051, *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

The safety zone for the Fleet Week Maritime Festival in 33 CFR 165.1330 will be subject to enforcement from 8 a.m. until 8 p.m. on August 2, 2016; however, it will only be enforced 30 minutes prior to the beginning, during, and 30 minutes following the conclusion of the parade of ships. The COTP may issue a general permission to enter the zone during some of this time period if he or she determines the zone need not be enforced for a certain period of time because the parade of ships starts late or ends early. If the COTP issues a general permission to enter, the public would be notified via a Broadcast Notice to Mariners.

In accordance with the general regulations in 33 CFR part 165, subpart C, no vessel operator may enter, transit, moor, or anchor within this safety zone, except for vessels authorized by the Captain of the Port, Puget Sound or his designated representative, thirty minutes prior to the beginning, during, and thirty minutes following the conclusion of the Parade of Ships. The Captain of the Port may be assisted by other federal, state, or local agencies as needed.

In order to transit through this safety zone, authorization must be granted by the Captain of the Port, Puget Sound or his designated representative. All vessel operators desiring entry into this safety zone shall gain authorization by contacting either the on-scene patrol craft on VHF Ch 13 or Ch 16, or Coast Guard Sector Puget Sound Joint Harbor Operations Center (JHOC) via telephone at (206) 217–6002. Vessel operators granted permission to enter this safety zone will be escorted by the on-scene patrol until no longer within the safety zone.

This document is issued under authority of 33 CFR 165.1330 and 5 U.S.C. 552(a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advanced notification of the safety zone via the Local Notice to Mariners and marine information broadcasts. If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice of enforcement, he may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.

Dated: July 13, 2016.

M.W. Raymond,

Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.

[FR Doc. 2016–16979 Filed 7–18–16; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2016–0221; FRL–9948–89-Region 8]

Approval and Promulgation of State Implementation Plan Revisions to Permits, Rules and Approval Orders; Utah

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve State Implementation Plan (SIP) revisions submitted by the State of Utah on February 10, 2012 and August 29, 2014. These submittals request SIP revisions to remove changes to the major source baseline date that were disapproved by the EPA on July 15, 2011. The submittals also address the EPA's February 6, 2014 disapproval of several permit rules related to the public availability of good engineering practice stack height demonstrations in the public comment process for an approval order, and the process for making emission reductions enforceable in an approval order. The EPA is taking this action in accordance with section 110 of the Clean Air Act (CAA).

DATES: This rule is effective on September 19, 2016 without further notice, unless EPA receives adverse comments by August 18, 2016. If adverse comments are received, the EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2016–0221, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.,) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Jody Ostendorf, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–7814, *ostendorf.jody@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Why is EPA using a direct final rule?

The EPA is publishing this rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. However, in the "Proposed Rules" section of today's **Federal Register**, we are publishing a separate document that will serve as the proposed rule to approve the SIP revisions if adverse comments are received on this direct final rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document.

If the EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. We would address all public comments in any subsequent final rule based on the proposed rule.

II. What should I consider as I prepare my comments for the EPA?

A. *Submitting CBI.* Do not submit this information to the EPA through *www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI). In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

B. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

- Make sure to submit your comments by the comment period deadline identified.

III. Analysis of the State Submittals

Utah's February 10, 2012 submittal removes changes to the major source baseline date that were disapproved by the EPA on July 15, 2011. The EPA disapproved R307–405–3(3)(a)(i) because it defined "Major Source Baseline Date" in a manner inconsistent with the federal definition found at 40 CFR 52.21(b)(14). The EPA approves these revisions.

The August 29, 2014 SIP revisions address the EPA's February 6, 2014 disapproval of R307–410–2, Permits: Emissions Impact Analysis, Definitions; R307–410–6, Permits: Emissions Impact Analysis, Stack Heights and Dispersion Techniques; and R307–401–12, Permit: New and Modified Sources, Reduction in Air Contaminants. The submittal also amends R307–410–2 to incorporate by reference the date of the Code of Federal Regulations referenced in R307–101–3. The EPA approves these revisions. The submittal amends R307–410–6 to require the director to notify the public of the availability of a demonstration that the source stack height meets good engineering practice, and to provide an opportunity for public hearing on it as required by 40 CFR 51.164. This conforms to what is required by R307–401–7, Public Notice, and the EPA approves this revision.

Finally, the submittal amends R307–401–12 to exempt an owner or operator of a stationary source of air contaminants that reduces or eliminates air contaminants from the requirement to submit a notice of intent and obtain an approval order prior to construction if certain conditions are met. Those conditions are: a) the project does not increase the potential to emit of any air contaminant or cause emissions of any new air contaminant; and b) the director is notified of the change and the reduction of air contaminants is made enforceable through an approval order in accordance with the notification requirements of R307–401–12. The EPA approves these revisions.

IV. What action is the EPA taking today?

The EPA is taking direct final action to approve the SIP revisions submitted by the State of Utah on February 10, 2012 and August 29, 2014. The EPA is approving the proposed SIP revisions as a direct final action without prior proposal because the agency views the revisions as noncontroversial and anticipates no adverse comments. However, in the Proposed Rules section of today's **Federal Register** publication, the EPA is publishing a separate document that will serve as the proposal to approve the SIP revisions if adverse comments are filed. This rule will be effective September 19, 2016 without further notice unless the Agency receives adverse comments by August 18, 2016. If the EPA receives adverse comments, the EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. The EPA will address all public comments in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if the EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, the EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

V. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Utah rules described in the amendments to 40 CFR part 52 set forth below. Therefore, these materials have been approved by the EPA for inclusion in the State Implementation Plan, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.[1] The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and/or at the EPA Region 8 Office (please contact the person identified in the "For Further Information Contact" section of this preamble for more information).

VI. Statutory and Executive Orders Review

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state actions, provided that they meet the criteria of the Clean Air Act. Accordingly, this direct final action merely approves a state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact in a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045(62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

---

[1] 62 FR 27968 (May 22, 1997).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by *September 19, 2016*. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that the EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: June 22, 2016.

Shaun L. McGrath,

Regional Administrator, Region 8.

40 CFR part 52 is amended to read as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart TT—Utah

■ 2. Section 52.2320 paragraph (c) is amended by:

■ a. In the table, under the heading "R307–401, Permit: New and Modified Sources", adding in numerical order, a table entry for "R307–401–12";

■ b. In the table, under the heading "R307–405. Permits: Major Sources in Attainment or Unclassified Areas (PSD)" revising the table entry for "R307–405–03"; and

■ c. In the table, under the heading "R307–410. Permits: Emissions Impact Analysis", revising the table entries for "R307–410–02" and "R307–410–06".

The revisions and addition read as follows:

§ 52.2320 Identification of plan.

* * * * *

(c) * * *

Rule No.	Rule title	State effective date	Final rule citation, date	Comments
*	*	*	*	*
		R307–401. Permit: New and Modified Sources		
*	*	*	*	*
R307–401–12	Reduction in Air Contaminants	08/07/2014	7/19/2016. [Insert FEDERAL REGISTER citation]	
*	*	*	*	*
		R307–405. Permits: Major Sources in Attainment or Unclassified Areas (PSD)		
*	*	*	*	*
R307–405–03	Definitions	02/02/2012	7/19/2016. [Insert FEDERAL REGISTER citation]	
*	*	*	*	*
		R307–410. Permits: Emissions Impact Analysis		
*	*	*	*	*
R307–410–02	Definitions	08/07/2014	7/19/2016. [Insert FEDERAL REGISTER citation]	
*	*	*	*	*
R307–410–06	Stack Heights and Dispersion Techniques	08/07/2014	7/19/2016. [Insert FEDERAL REGISTER citation]	
*	*	*	*	*

* * * * *

[FR Doc. 2016–16963 Filed 7–18–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 141

[EPA–HQ–OW–2016–0281; FRL–9948–54–OW]

Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action announces the U.S. Environmental Protection Agency's (EPA's) approval of alternative testing methods for use in measuring the levels of contaminants in drinking water and determining compliance with national primary drinking water regulations. The Safe Drinking Water Act authorizes EPA to approve the use of alternative testing methods through publication in the **Federal Register**. EPA is using this streamlined authority to make 16 additional methods available for analyzing drinking water samples. This expedited approach provides public water systems, laboratories, and primacy agencies with more timely access to new measurement techniques and greater flexibility in the selection of analytical methods, thereby reducing monitoring costs while maintaining public health protection.

DATES: This action is effective July 19, 2016.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–2016–0281. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: The Safe Drinking Water Hotline (800) 426–4791 or Glynda Smith, Technical Support Center, Standards and Risk Management Division, Office of Ground Water and Drinking Water (MS 140), Environmental Protection Agency, 26 West Martin Luther King Drive, Cincinnati, OH 45268; telephone number: (513) 569–7652; email address: *smith.glynda@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

Public water systems are the regulated entities required to measure contaminants in drinking water samples. In addition, EPA Regions as well as states and tribal governments with authority to administer the regulatory program for public water systems under the Safe Drinking Water Act (SDWA) may measure contaminants in water samples. When EPA sets a monitoring requirement in its national primary drinking water regulations for a given contaminant, the Agency also establishes in the regulations standardized test procedures for analysis of the contaminant. This action makes alternative testing methods available for particular drinking water contaminants beyond the testing methods currently established in the regulations. EPA is providing public water systems required to test water samples with a choice of using either a test procedure already established in the existing regulations or an alternative test procedure that has been approved in this action or in prior expedited approval actions. Categories and entities that may ultimately be affected by this action include:

Category	Examples of potentially regulated entities	NAICS[1]
State, local, & tribal governments.	State, local and tribal governments that analyze water samples on behalf of public water systems required to conduct such analysis; state, local and tribal governments that directly operate community and non-transient non-community water systems required to monitor.	924110
Industry	Private operators of community and non-transient non-community water systems required to monitor.	221310
Municipalities	Municipal operators of community and non-transient non-community water systems required to monitor.	924110

[1] North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. This table lists the types of entities that EPA is now aware could potentially be affected by this action. Other types of entities not listed in the table could also be impacted. To determine whether your facility is affected by this action, you should carefully examine the applicability language in the Code of Federal Regulations (CFR) at 40 CFR 141.2 (definition of public water system). If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Abbreviations and Acronyms Used in This Action

APHA: American Public Health Association
ATP: Alternate Test Procedure
CFR: Code of Federal Regulations
DPD: N,N-diethyl-p-phenylenediamine
EPA: United States Environmental Protection Agency
LED: Light Emitting Diode
NAICS: North American Industry Classification System
NEMI: National Environmental Methods Index
NTU: Nephelometric Turbidity Unit
QC: Quality Control
SDWA: The Safe Drinking Water Act
TOC: Total Organic Carbon
VCSB: Voluntary Consensus Standard Bodies

II. Background

A. What is the purpose of this action?

In this action, EPA is approving 16 analytical methods for determining contaminant concentrations in drinking water samples collected under SDWA. Regulated parties required to sample and monitor may use either the testing methods already established in existing regulations or the alternative testing methods being approved in this action or in prior expedited approval actions. The new methods are listed along with other methods similarly approved through previous expedited actions in 40 CFR part 141, appendix A to subpart C and on EPA's drinking water methods Web site at *https://www.epa.gov/dwanalyticalmethods*.

B. What is the basis for this action?

When EPA determines that an alternative analytical method is "equally effective" (*i.e.*, as effective as a method that has already been promulgated in the regulations), SDWA allows EPA to approve the use of the alternative method through publication in the **Federal Register** (see Section 1401(1) of SDWA). EPA is using this streamlined approval authority to make 16 additional methods available for determining contaminant concentrations in drinking water samples collected under SDWA. EPA has determined that, for each contaminant or group of contaminants listed in Section III, the additional testing methods being approved in this action are as effective as one or more of the testing methods already approved in the regulations for those contaminants. Section 1401(1) of SDWA states that the newly approved methods "shall be treated as an alternative for public water systems to the quality control and testing procedures listed in the regulation." Accordingly, this action makes these additional 16 analytical methods legally available as options for meeting EPA's monitoring requirements.

This action does not add regulatory language, but does, for informational purposes, update an appendix to the regulations at 40 CFR part 141 that lists all methods approved under Section 1401(1) of SDWA. Accordingly, while this action is not a rule, it is updating CFR text and therefore is being published in the "Final Rules" section of the **Federal Register**.

III. Summary of Approvals

EPA is approving 16 methods that are equally effective relative to methods previously promulgated in the regulations. By means of this rule, these 16 methods are added to appendix A to subpart C of 40 CFR part 141.

A. Methods developed by Voluntary Consensus Standard Bodies (VCSB)

ASTM International. EPA compared the most recent versions of seven ASTM International methods to the earlier versions of those methods that are currently approved in 40 CFR part 141. Changes between the earlier approved version and the most recent version of each method are summarized in Smith (2015). The revisions primarily involve editorial changes (*e.g.*, updated references, definitions, terminology, procedural clarifications, and reorganization of text). The revised methods are the same as the approved versions with respect to sample collection and handling protocols, sample preparation, analytical methodology, and method performance data; thus, EPA finds they are equally effective relative to the approved methods.

EPA is thus approving the use of the following ASTM methods for the contaminants and their respective regulations listed in the following table:

ASTM revised version	Approved method	Contaminant	Regulation
D 1253–14 (ASTM 2014a)	D 1253–03 (ASTM 2003a)	Free Chlorine; Total Chlorine	40 CFR 141.74(a)(2); 40 CFR 141.131(c)(1).
D 1253–14 (ASTM 2014a)	D 1253–03 (ASTM 2003a)	Combined Chlorine	40 CFR 141.131(c)(1).
D 1125–14 A (ASTM 2014b)	D 1125–95 A (ASTM 1995)	Conductivity	40 CFR 141.23(k)(1).
D 511–14 A (ASTM 2014c)	D 511–03 A (ASTM 2003b)	Calcium; Magnesium	40 CFR 141.23(k)(1).
D 511–14 B (ASTM 2014c)	D 511–03 B (ASTM 2003b)	Calcium; Magnesium	40 CFR 141.23(k)(1).
D 1688–12 A (ASTM 2012a)	D 1688–02 A (ASTM 2002a)	Copper	40 CFR 141.23(k)(1).
D 1688–12 C (ASTM 2012a)	D 1688–02 C (ASTM 2002a)	Copper	40 CFR 141.23(k)(1).
D 3697–12 (ASTM 2012b)	D 3697–02 (ASTM 2002b)	Antimony	40 CFR 141.23(k)(1).

The ASTM methods are available from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959 or *http://www.astm.org.*

B. Methods Developed by Vendors

1. Hach Method 10241—Spectrophotometric Measurement of Free Chlorine (Cl_2) in Finished Drinking Water (Hach Company 2015a). In Hach Method 10241, free chlorine is converted to monochloramine by addition of an ammonia solution to a drinking water sample. In the presence of a cyanoferrate catalyst, monochloramine reacts with a substituted phenol to form an intermediate monoamine compound. The intermediate monoamine compound couples with excess substituted phenol to form a green indophenol compound. Spectrophotometric measurement of absorbance at 655 nm (610 nm for colorimeters) is directly proportional to the concentration of free chlorine in the sample.

The currently approved methods for free chlorine in drinking water are listed in the tables at 40 CFR 141.74(a)(2) and 40 CFR 141.131(c)(1). One of the most widely used approved methods is Standard Method 4500-Cl G–00 (APHA 2000a), which uses a N,N-diethyl-p-phenylenediamine (DPD) indicator for spectrophotometric determination of residual chlorine concentrations in drinking water. The DPD methodology can be subject to interferences associated with the presence of manganese, chloramines, and other oxidants. Hach Method 10241 is not subject to such interferences.

A multi-laboratory study compared the performance characteristics of Hach Method 10241 to the performance characteristics of the approved Standard Method 4500-Cl G–00. A variety of samples, including drinking water samples from both surface water and ground water sources, were fortified with known chlorine concentrations and analyzed by each method. The results are summarized in the validation study report (Hach Company 2015b). EPA has determined that Hach Method 10241 is equally as effective as the approved Standard Method 4500-Cl G–00. The basis for this determination is discussed in Adams and Smith (2016). Therefore, EPA is approving Hach Method 10241 for determining free chlorine concentrations in drinking water. Hach Method 10241 can be obtained from Hach Company, 5600 Lindbergh Drive, Loveland, Colorado 80539. (*http://www.hach.com.*)

2. Hach Method 8026—Spectrophotometric Measurement of Copper in Finished Drinking Water (Hach Company 2015c). In Hach Method 8026, cuprous copper is measured colorimetrically by complexation with bicinchoninic acid. The intensity in color is proportional to the copper concentration, and spectrophotometer measurements are taken at 560 nm. Cupric copper present in samples is chemically reduced to cuprous copper. Metal and hardness interferences in samples are mitigated through the use of a chelating agent. The method is performed by the addition of

powder pillows containing reagents to the water samples.

The currently approved methods for the analysis of copper in drinking water are listed in the table at 40 CFR 141.23(k)(1). The approved methods are based on atomic spectroscopy technologies. Hach Method 8026 employs a spectrophotometer, and is based on known complexation principles and simple color/absorbance measurements to determine copper concentrations.

A multi-laboratory validation study was conducted to compare the performance of Hach Method 8026 to EPA Method 200.7 (USEPA 1994), one of the approved methods for the analysis of copper in drinking water. Multiple finished drinking water samples drawn from both ground water and surface water sources were used in the validation study. Precision, accuracy and sensitivity data were collected by analyzing drinking water samples fortified with varying concentrations of copper standards. The results are summarized in the validation study report (Hach Company 2015d). EPA has determined that Hach Method 8026 is equally as effective as the approved EPA Method 200.7. The basis for this determination is discussed in Adams and Smith (2016). Therefore, EPA is approving Hach Method 8026 for the analysis of copper in drinking water. Hach Method 8026 can be obtained from Hach Company, 5600 Lindbergh Drive, Loveland, Colorado 80539. (*http://www.hach.com*).

3. Hach Method 10261—Total Organic Carbon in Finished Drinking Water by Catalyzed Ozone Hydroxyl Radical Oxidation Infrared Analysis (Hach Company 2015e). Hach Method 10261 is a method for the determination of total organic carbon (TOC) in drinking water using an advanced oxidation process and non-dispersive infrared spectroscopy. In this method, ozone and a base are added to water to produce hydroxyl radicals. The hydroxyl radicals oxidize organic carbon to produce carbon dioxide and sodium oxalate. The sodium oxalate is further oxidized to carbon dioxide using acidification and a manganese catalyst. The carbon dioxide produced by both oxidation processes is then measured using non-dispersive infrared spectroscopy.

The currently approved methods for the analysis of TOC in drinking water are listed in 40 CFR 141.131(d)(3). The approved oxidation method, Standard Method 5310 C–00 (APHA 2000b), may not completely oxidize certain organic compounds. Hach Method 10261 uses a more efficient advanced oxidation process to ensure more complete oxidation.

A multi-laboratory validation study was conducted to compare the performance of Hach Method 10261 to the approved Standard Method 5310 C–00. Multiple finished drinking water samples drawn from both ground water and surface water sources were used in the validation study. Precision, accuracy and sensitivity data were collected by analyzing drinking water samples fortified with varying concentrations of TOC. The results are summarized in the validation study report (Hach Company 2015f). EPA has determined that Hach Method 10261 is equally as effective as the approved Standard Method 5310 C–00. The basis for this determination is discussed in Adams and Smith (2016). Therefore, EPA is approving Hach Method 10261 for the analysis of TOC in drinking water. Hach Method 10261 can be obtained from Hach Company, 5600 Lindbergh Drive, Loveland, Colorado 80539. (*http://www.hach.com*).

4. Hach Method 10267—Spectrophotometric Measurement of Total Organic Carbon (TOC) in Finished Drinking Water (Hach Company 2015g). Hach Method 10267 is used for the determination of TOC in drinking water using acid persulfate digestion and visible spectrum spectrophotometry. In this method, samples are oxidized using acid persulfate digestions to convert TOC into carbon dioxide. The generated carbon dioxide is passed through a gas-permeable membrane into an indicator solution that is measured spectrophotometrically at 435 nm. Hach Method 10267 uses pre-packaged reagents to simplify sample preparation and quickly perform the analysis. Interfering inorganic carbon is removed from the sample prior to digestion by acidification and agitation.

The currently approved methods for the analysis of TOC in drinking water are listed in 40 CFR 141.131(d)(3). A multi-laboratory validation study was conducted to compare the performance of Hach Method 10267 to the approved Standard Method 5310 C–00 (APHA 200b). Multiple finished drinking water samples drawn from both ground water and surface water sources were used in the validation study. Precision, accuracy and sensitivity data were collected by analyzing drinking water samples fortified with varying concentrations of TOC. The results are summarized in the validation study report (Hach Company 2015h). EPA has determined that Hach Method 10267 is equally as effective as the approved Standard Method 5310 C–00. The basis for this determination is discussed in Adams and Smith (2016). Therefore, EPA is approving Hach Method 10267 for the analysis of TOC in drinking water. Hach Method 10267 can be obtained from Hach Company, 5600 Lindbergh Drive, Loveland, Colorado 80539. (*http://www.hach.com*).

5. Hach Method 10272—Spectrophotometric Measurement of Copper in Finished Drinking Water (Hach Company 2015i). In Hach Method 10272, cuprous copper is measured colorimetrically by complexation with bicinchoninic acid. The intensity in color is proportional to the copper concentration, and spectrophotometer measurements are taken at 560 nm. Cupric copper present in samples is chemically reduced to cuprous copper. Metal and hardness interferences in samples are mitigated through the use of a chelating agent. The method is performed through the use of a copper Chemkey and portable analyzer.

The currently approved methods for the analysis of copper in drinking water are listed in the table at 40 CFR 141.23(k)(1). The approved methods are based on atomic spectroscopy technologies. Hach Method 10272 uses a spectrophotometer, simple color/absorbance measurements to determine copper concentrations, and incorporates portability and streamlining into the analysis.

A multi-laboratory validation study was conducted to compare the performance of Hach Method 10272 to EPA Method 200.7 (USEPA 1994), one of the approved methods for the analysis of copper in drinking water. Multiple finished drinking water samples drawn from both ground water and surface water sources were used in the validation study. Precision, accuracy and sensitivity data were collected by analyzing drinking water samples fortified with varying concentrations of copper standards. The results are summarized in the validation study report (Hach Company 2015j). EPA has determined that Hach Method 10272 is equally as effective as the approved EPA Method 200.7. The basis for this determination is discussed in Adams and Smith (2016). Therefore, EPA is approving Hach Method 10272 for the analysis of copper in drinking water. Hach Method 10272 can be obtained from Hach Company, 5600 Lindbergh Drive, Loveland, Colorado 80539. (*http://www.hach.com*).

6. Hach Method 10258—Determination of Turbidity by 360° Nephelometry (Hach Company 2016). In Hach Method 10258 turbidity is determined in conventional-filtered and membrane-filtered treated drinking water using a 360 degree nephelometer.

In this method, a non-incandescent light source operates at a wavelength of 660 + 30 nm and light scattered by the sample is collected and detected at an angle 90 degrees to the incident light, 360 degrees around the sample vial. This design offers improved sensitivity (minimum quantitation limit of 0.0005 Nephelometric Turbidity Units (NTU) and resolution (0.0001 NTU) relative to the approved methods.

The currently approved methods for the analysis of turbidity in treated drinking water are listed in the regulations at 40 CFR 141.74(a)(1). A multi-facility validation study was conducted to compare the performance of Hach Method 10258 to the approved Hach FilterTrak Method 10133 (Hach Company 2000) for the analysis of turbidity in treated drinking water. Seven public drinking water facilities participated in the study. Three facilities produced treated water using both conventional-filtration and membrane-filtration, two facilities produced only conventional-filtration treated water, and two facilities produced only membrane-filtration treated water. Source waters encompassed both surface waters and ground waters under the direct influence of surface water. Turbidity comparison data were collected at each facility by operating the instrument collecting the Hach Method 10258 turbidity data in parallel with an instrument collecting turbidity data using the approved Hach FilterTrack Method 10133. Precision and accuracy (based on recovery of matrix spike injections) data were collected over a range of spike levels (0.0015–0.500 NTU) and calibration verification data were collected from each facility. The results are summarized in the validation study report (Hach Company 2014). EPA has determined that Hach Method 10258 is equally as effective as the approved Hach FilterTrak Method 10133. The basis for this determination is discussed in Adams and Smith (2016). Therefore, EPA is approving Hach Method 10258 for the analysis of turbidity in treated drinking water. Hach Method 10258 can be obtained from Hach Company, 5600 Lindbergh Drive, Loveland, Colorado 80539. (*http://www.hach.com*).

7. Nitrate Elimination Company, Inc. (NECi)—Method for Nitrate Reductase Nitrate-Nitrogen Analysis of Drinking Water (NECi 2016a). The NECi nitrate reductase method is used for the determination of nitrate plus nitrite (as nitrogen) in drinking water. In this method, a eukaryotic nitrate reductase is used to catalyze the conversion of nitrate to nitrite in the presence of nicotinamide adenine dinucleotide as a reductant in a buffer with a near neutral pH. The combined nitrite (both the original and reduced nitrate) is reacted with sulfanilamide and N-(1-napthyl) ethylenediamine dihydrochloride to produce a chromophore. The combined nitrite concentration is then measured spectrophotometrically at ~540 nm. The method entails the use of a discrete analyzer that incorporates a spectrophotometric detector.

The currently approved methods for the analysis of nitrate and nitrite in drinking water are listed in 40 CFR 141.23(k)(1). The approved EPA Method 353.2 (USEPA 1993a) uses cadmium to reduce nitrate to nitrite and subsequently measures the combined nitrite colorimetrically. The NECi nitrate reductase method provides an environmentally friendly approach to nitrate-nitrogen analysis by eliminating the use of toxic cadmium and requires only a fraction of the sample volume used in the approved EPA method.

A multi-laboratory validation study was conducted to compare the performance of the NECi nitrate reductase method to the approved EPA Method 353.2. Multiple finished drinking water samples drawn from both ground water and surface water sources were used in the validation study. Precision, accuracy and sensitivity data were collected by analyzing drinking water samples fortified with varying concentrations of nitrate standards. The results are summarized in the validation study report (NECi 2016b). EPA has determined that the NECi nitrate reductase method is equally as effective as the approved EPA Method 353.2. The basis for this determination is discussed in Adams and Wendelken (2016). Therefore, EPA is approving the NECi nitrate reductase method for the analysis of nitrate and nitrite in drinking water. The NECi nitrate reductase method can be obtained from the Nitrate Elimination Company, Inc. (NECi) at Superior Enzymes, Inc., 334 Hecla St., Lake Linden, Michigan 49945.

8. Thermo Fisher Scientific Drinking Water Orthophosphate Method for Thermo Scientific Gallery Discrete Analyzer (Thermo Fisher 2016a). The Thermo Fisher orthophosphate drinking water method employing Thermo Scientific Gallery discrete analyzers is used for the colorimetric determination of orthophosphate in drinking water. In this method, orthophosphate is reacted with ammonium molybdate and antimony potassium tartrate in an acidic medium to form an antimony-phospho-molybdate complex. The complex is subsequently reduced by ascorbic acid to form an intensely blue complex that can be measured spectrophotometrically at 880 nm.

The currently approved methods for the analysis of orthophosphate in drinking water are listed in 40 CFR 141.23(k)(1). Standard Methods 4500–P E (APHA, 1995) is an approved method that uses ascorbic acid to reduce reacted orthophosphate into a complex that can be measured spectrophotometrically. The Thermo Fisher orthophosphate method incorporates an automated discrete analyzer, which minimizes the use of chemical reagents, generation of waste and human handling errors.

A validation study was conducted to compare the performance of the automated Thermo Fisher orthophosphate discrete analyzer method to the approved Standard Method 4500–P E. Multiple finished drinking water samples drawn from both ground water and surface water sources were used in the validation study. Precision, accuracy and sensitivity data were collected by analyzing drinking water samples fortified with varying concentrations of orthophosphate standards. The results are summarized in the validation study report (Thermo Fisher 2016b). EPA has determined that the Thermo Fisher discrete analyzer method for orthophosphate is equally as effective as the approved Standard Method 4500–P E. Therefore, EPA is approving the Thermo Fisher method for the analysis of orthophosphate in treated drinking water. The basis for this determination is discussed in Adams (2016). The Thermo Fisher discrete analyzer method for orthophosphate can be obtained from Thermo Fisher Scientific, Ratastie 2, 01620 Vantaa, Finland.

9. Mitchell Method M5331, Revision 1.2—Determination of Turbidity by LED or Laser Nephelometry (Mitchell 2016). Mitchell Method M5331, Revision 1.1 (Mitchell 2009) was approved for the determination of turbidity in drinking water by light emitting diode (LED) nephelometry in the August 2009 expedited methods approval action (USEPA 2009). The currently approved methods for turbidity are listed in 40 CFR 141.74(a)(1) and different sources, including lasers, have been approved. The Mitchell Method M5331 has been updated to incorporate the option of using a solid-state laser in place of a LED as the light source for the turbidimeter. The vendor cites multiple advantages associated with the use of lasers relative to LEDs (Mitchell 2015). Mitchell Method M5331, Revision 1.1 specifies a light source of 525 ± 15 nm, and now lasers at 520 nm and 532 nm are readily available. In addition to

meeting the specified wavelength range, solid-state lasers can offer longer source lifetimes, greater stability, and improved stray light rejection. The updated method is the same as the approved Mitchell Method M5331, Revision 1.1 relative to the divergence of the light source measurement area, the detector, and all other instrumental features. EPA has determined that the updated method is equally as effective as the promulgated EPA Method 180.1 (USEPA 1993b), which established the criteria for nephelometric determination of turbidity. The basis for this determination is discussed in Wendelken and Smith (2016). Therefore, EPA is approving Mitchell Method M5331, Revision 1.2 for the determination of turbidity in drinking water. Mitchell Method M5331, Revision 1.2 can be obtained from Leck Mitchell, Ph.D., PE, 656 Independence Valley Drive, Grand Junction, Colorado 81507.

IV. Statutory and Executive Order Reviews

As noted in Section II, under the terms of SDWA Section 1401(1), this streamlined method approval action is not a rule. Accordingly, the Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule for purposes of 5 U.S.C. 804(3). Similarly, this action is not subject to the Regulatory Flexibility Act because it is not subject to notice and comment requirements under the Administrative Procedure Act or any other statute. In addition, because this approval action is not a rule but simply makes alternative testing methods available as options for monitoring under SDWA, EPA has concluded that other statutes and executive orders generally applicable to rulemaking do not apply to this approval action.

V. References

Adams. 2016. Memo to the record describing basis for expedited approval of Thermo Fisher discrete analyzer method for orthophosphate. February 18, 2016.

Adams and Smith. 2016. Memo to the record describing basis for expedited approval of Hach Company methods. February 29, 2016.

Adams and Wendelken. 2016. Memo to the record describing basis for expedited approval of Nitrate Elimination Company Inc. (NECi) nitrate reductase method. February 9, 2016.

American Public Health Association (APHA). 1995. *19th Edition of Standard Methods for the Examination of Water and Wastewater,* American Public Health Association, 800 I Street NW., Washington, DC 20001–3710.

American Public Health Association (APHA). 2000a. Standard Method 4500–Cl G–00, Chlorine (Residual)—DPD Colorimetric Method. Approved by Standard Methods Committee 2000. Standard Methods Online (Available at *http://www.standardmethods.org*).

American Public Health Association (APHA). 2000b. Standard Method 5310 C–00, Total Organic Carbon (TOC)—Persulfate-Ultraviolet or Heated Persulfate Oxidation Method. Approved by Standard Methods Committee 2000. Standard Methods Online (Available at *http://www.standardmethods.org*).

ASTM International. 1995. ASTM D 1125–95 A. Standard Test Methods for Electrical Conductivity and Resistivity of Water. ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959. (Available at *http://www.astm.org.*)

ASTM International. 2002a. ASTM D 1688–02 A, C. Standard Test Methods for Copper in Water. ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959. (Available at *http://www.astm.org.*)

ASTM International. 2002b. ASTM D 3697–02. Standard Test Method for Antimony in Water. ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959. (Available at *http://www.astm.org.*)

ASTM International. 2003a. ASTM D 1253–03. Standard Test Method for Residual Chlorine in Water. ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959. (Available at *http://www.astm.org.*)

ASTM International. 2003b. ASTM D 511–03 A, B. Standard Test Methods for Calcium and Magnesium in Water. ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959. (Available at *http://www.astm.org.*)

ASTM International. 2012a. ASTM D 1688–12 A, C. Standard Test Methods for Copper in Water. ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959. (Available at *http://www.astm.org.*)

ASTM International. 2012b. ASTM D 3697–12. Standard Test Method for Antimony in Water. ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959. (Available at *http://www.astm.org.*)

ASTM International. 2014a. ASTM D 1253–14. Standard Test Method for Residual Chlorine in Water. ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959. (Available at *http://www.astm.org.*)

ASTM International. 2014b. ASTM D 1125–14 A. Standard Test Methods for Electrical Conductivity and Resistivity of Water. ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959. (Available at *http://www.astm.org.*)

ASTM International. 2014c. ASTM D 511–14 A, B. Standard Test Methods for Calcium and Magnesium in Water. ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959. (Available at *http://www.astm.org.*)

Hach Company. 2000. Hach FilterTrak Method 10133—Determination of Turbidity by Laser Nephelometry. January 2000. Revision 2.0. 5600 Lindbergh Drive, Loveland, Colorado 80539. (Available at *http://www.hach.com.*)

Hach Company. 2014. Validation Study Report for Hach Method 10258—Measurement of Turbidity in Drinking Water by 360 Degree Nephelometry. December 2014. 5600 Lindbergh Drive, Loveland, Colorado 80539. (Available at *http://www.regulations.gov;* docket ID No. EPA–HQ–OW–2016–0281.)

Hach Company. 2015a. Hach Method 10241—Spectrophotometric Measurement of Free Chlorine (Cl_2) in Finished Drinking Water. November 2015. Revision 1.2. 5600 Lindbergh Drive, Loveland, Colorado 80539. (Available at *http://www.hach.com.*)

Hach Company. 2015b. Validation Study Report for Hach Method 10241—Spectrophotometric Measurement of Free Chlorine in Drinking Water. November 2015. 5600 Lindbergh Drive, Loveland, Colorado 80539. (Available at *http://www.regulations.gov;* docket ID No. EPA–HQ–OW–2016–0281.)

Hach Company. 2015c. Hach Method 8026—Spectrophotometric Measurement of Copper in Finished Drinking Water. December 2015. Revision 1.2. 5600 Lindbergh Drive, Loveland, Colorado 80539. (Available at *http://www.hach.com.*)

Hach Company. 2015d. Validation Study Report for Hach Method 8026—Spectrophotometric Measurement of Copper in Drinking Water. November 2015. 5600 Lindbergh Drive, Loveland, Colorado 80539. (Available at *http://www.regulations.gov;* docket ID No. EPA–HQ–OW–2016–0281.)

Hach Company. 2015e. Hach Method 10261—Total Organic Carbon in Finished Drinking Water by Catalyzed Ozone Hydroxyl Radical Oxidation Infrared Analysis. December 2015. Revision 1.2. 5600 Lindbergh Drive, Loveland, Colorado 80539. (Available at *http://www.hach.com.*)

Hach Company. 2015f. Validation Study Report for Hach Method 10261—Total Organic Carbon in Finished Drinking Water by Catalyzed Ozone Hydroxyl Radical Oxidation Infrared Analysis. December 2015. 5600 Lindbergh Drive, Loveland, Colorado 80539. (Available at *http://www.regulations.gov;* docket ID No. EPA–HQ–OW–2016–0281.)

Hach Company. 2015g. Hach Method 10267—Spectrophotometric Measurement of Total Organic Carbon (TOC) in Finished Drinking Water. December 2015. Revision 1.2. 5600 Lindbergh Drive, Loveland, Colorado 80539. (Available at *http://www.hach.com.*)

Hach Company. 2015h. Validation Study Report for Hach Method 10267—Spectrophotometric Measurement of Total Organic Carbon (TOC) in Finished Drinking Water. December 2015. 5600 Lindbergh Drive, Loveland, Colorado

80539. (Available at *http://www.regulations.gov;* docket ID No. EPA–HQ–OW–2016–0281.)

Hach Company. 2015i. Hach Method 10272—Spectrophotometric Measurement of Copper in Finished Drinking Water. December 2015. Revision 1.2. 5600 Lindbergh Drive, Loveland, Colorado 80539. (Available at *http://www.hach.com.*)

Hach Company. 2015j. Validation Study Report for Hach Method 10272—Spectrophotometric Measurement of Copper in Finished Drinking Water. December 2015. 5600 Lindbergh Drive, Loveland, Colorado 80539. (Available at *http://www.regulations.gov;* docket ID No. EPA–HQ–OW–2016–0281.)

Hach Company. 2016. Hach Method 10258—Determination of Turbidity by 360° Nephelometry. January 2016. 5600 Lindbergh Drive, Loveland, Colorado 80539. (Available at *http://www.hach.com.*)

Mitchell, L. and Mitchell, P. 2009. Mitchell Method M5331—Determination of Turbidity by LED Nephelometry. March 2009. Revision 1.1. Leck Mitchell, Ph.D., PE, 656 Independence Valley Drive, Grand Junction, CO 81507. (Available at *http://www.regulations.gov;* docket ID No. EPA–HQ–OW–2016–0281.)

Mitchell, L. 2015. Mitchell ATP Submission with Justification for Revision to Mitchell Method M5331, Revision 1.1. September 2015. Leck Mitchell, Ph.D., PE, 656 Independence Valley Drive, Grand Junction, CO 81507. (Available at *http://www.regulations.gov;* docket ID No. EPA–HQ–OW–2016–0281.)

Mitchell, L. and Mitchell, P. 2016. Mitchell Method M5331—Determination of Turbidity by LED or Laser Nephelometry. February 2016. Revision 1.2. Leck Mitchell, Ph.D., PE, 656 Independence Valley Drive, Grand Junction, CO 81507. (Available at *http://www.regulations.gov;* docket ID No. EPA–HQ–OW–2016–0281.)

Nitrate Elimination Company, Inc. (NECi). 2016a. Method for Nitrate Reductase Nitrate-Nitrogen Analysis of Drinking Water. February 2016. Version 1.0. Revision 2.0. Superior Enzymes, Inc., 334 Hecla Street, Lake Linden, Michigan 49945. (Available at *http://www.regulations.gov;* docket ID No. EPA–HQ–OW–2016–0281.)

Nitrate Elimination Company, Inc. (NECi). 2016b. Validation Study Report for NECi Nitrate-Reductase Nitrate plus Nitrite Nitrogen Method. January 2016. Superior Enzymes, Inc., 334 Hecla Street, Lake Linden, Michigan 49945. (Available at *http://www.regulations.gov;* docket ID No. EPA–HQ–OW–2016–0281.)

Smith, G. 2015. Memo to the record describing basis for expedited approval of updated methods from ASTM International. December 30, 2015.

Thermo Fisher. 2016a. Thermo Fisher Scientific Drinking Water Orthophosphate Method for Thermo Scientific Gallery Discrete Analyzer. February 2016. Revision 5. Thermo Fisher Scientific, Ratastie 2, 01620 Vantaa, Finland. (Available at *http://www.regulations.gov;* docket ID No. EPA–HQ–OW–2016–0281.)

Thermo Fisher. 2016b. Validation Study Report for Thermo Fisher Orthophosphate Discrete Analyzer Method. February 2016. Thermo Fisher Scientific, Ratastie 2, 01620 Vantaa, Finland. (Available at *http://www.regulations.gov;* docket ID No. EPA–HQ–OW–2016–0281.)

USEPA. 1993a. EPA Method 353.2. Revision 2.0, ''Determination of Nitrate-Nitrite Nitrogen by Automated Colorimetry,'' August 1993. (Available at *https://www.nemi.gov.*)

USEPA. 1993b. EPA Method 180.1. Revision 2.0, ''Determination of Turbidity by Nephelometry,'' August 1993. (Available at *https://www.nemi.gov.*)

USEPA. 1994. EPA Method 200.7. Revision 4.4, ''Determination of Metals and Trace Elements in Water and Wastes by Inductively Coupled Plasma-Atomic Emission Spectrometry,'' May 1994. (Available at *https://www.nemi.gov.*)

USEPA. 2009. Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures, 74 FR 38348, August 3, 2009.

Wendelken and Smith. 2016. Memo to record describing basis for expedited approval of Mitchell Method M5331, Revision 1.2. February 24, 2016.

List of Subjects in 40 CFR Part 141

Environmental protection, Chemicals, Indians-lands, Intergovernmental relations, Reporting and recordkeeping requirements, Water supply.

Dated: July 7, 2016.

Peter Grevatt,

Director, Office of Ground Water and Drinking Water.

For the reasons stated in the preamble, 40 CFR part 141 is amended as follows:

PART 141—NATIONAL PRIMARY DRINKING WATER REGULATIONS

■ 1. The authority citation for part 141 continues to read as follows:

Authority: 42 U.S.C. 300f, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–4, 300j–9, and 300j–11.

■ 2. Appendix A to subpart c of part 141 is amended as follows:

■ a. By revising entries for ''Antimony,'' ''Calcium,'' ''Copper,'' ''Conductivity,'' ''Magnesium,'' ''Nitrate,'' ''Nitrite,'' and ''Orthophosphate,'' in the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.23(k)(1).''

■ b. By revising the entry for ''Turbidity'' in the table entitled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.74(a)(1).''

■ c. By revising entries for ''Free Chlorine'' and ''Total Chlorine'' in the table entitled ''ALTERNATIVE TESTING METHODS FOR DISINFECTANT RESIDUALS LISTED AT 40 CFR 141.74(a)(2).''

■ d. By revising the entries for ''Free Chlorine'', ''Combined Chlorine,'' and ''Total Chlorine'' in the table entitled ''ALTERNATIVE TESTING METHODS FOR DISINFECTANT RESIDUALS LISTED AT 40 CFR 141.131(c)(1).''

■ e. By revising the entire table entitled ''ALTERNATIVE TESTING METHODS FOR PARAMETERS LISTED AT 40 CFR 141.131(d).''

■ f. By revising footnotes 2, 9, 14, 16, 18, 19, 24–27, 29, and 33.

■ g. By adding footnotes 34–42 to the table.

The revisions and additions read as follows:

Appendix A to Subpart C of Part 141—Alternative Testing Methods Approved for Analyses Under the Safe Drinking Water Act

* * * * *

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.23(k)(1)

Contaminant	Methodology	EPA method	SM 21st Edition[1]	SM 22nd Edition[28]	SM Online[3]	ASTM[4]	Other
*	*	*	*	*	*	*	
Antimony	Hydride–Atomic Absorption.					D 3697–07, –12.	
	Atomic Absorption; Furnace.		3113 B	3113 B	3113 B–04, B–10.		

Alternative Testing Methods for Contaminants Listed at 40 CFR 141.23(k)(1)—Continued

Contaminant	Methodology	EPA method	SM 21st Edition[1]	SM 22nd Edition[28]	SM Online[3]	ASTM[4]	Other
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2.[2].					
*	*	*	*	*	*	*	*
Calcium	EDTA Titrimetric		3500–Ca B	3500–Ca B		D 511–09, –14 A.	
	Atomic Absorption; Direct Aspiration.		3111 B	3111 B		D 511–90, –14 B.	
	Inductively Coupled Plasma.		3120 B	3120 B			
	Axially viewed inductively coupled plasma–atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2.[2].					
	Ion Chromatography					D 6919–09	
*	*	*	*	*	*	*	*
Copper	Atomic Absorption; Furnace.		3113 B	3113 B	3113 B–04, B–10.	D 1688–07, –12 C.	
	Atomic Absorption; Direct Aspiration.		3111 B	3111 B		D 1688–07, –12 A.	
	Inductively Coupled Plasma.		3120 B	3120 B			
	Axially viewed inductively coupled plasma–atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2.[2].					
	Colorimetric						Hach Method 8026[35] Hach Method 10272.[36]
Conductivity	Conductance		2510 B	2510 B		D 1125–14 A	
*	*	*	*	*	*	*	*
Magnesium	Atomic Absorption		3111 B	3111 B		D 511–09, – 14 B.	
	Inductively Coupled Plasma.		3120 B	3120 B			
	Complexation Titrimetric Methods.		3500–Mg B	3500–Mg B		D 511–09, –14 A.	
	Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP–AES).	200.5, Revision 4.2.[2].					
	Ion Chromatography					D 6919–09	
*	*	*	*	*	*	*	*
Nitrate	Ion Chromatography		4110 B	4110 B		D 4327–11	
	Automated Cadmium Reduction.		4500–NO_3 F.	4500–NO_3 F.			
	Manual Cadmium Reduction.		4500–NO_3 E.	4500–NO_3 E.			
	Ion Selective Electrode		4500–NO_3 D.	4500–NO_3 D.			
	Reduction/Colorimetric						Systea Easy (1-Reagent)[8] NECi Nitrate-Reductase.[40]
	Colorimetric; Direct						Hach TNTplus™ 835/836 Method 10206.[23]
Nitrite	Ion Chromatography		4110 B	4110 B		D 4327–11	
	Automated Cadmium Reduction.		4500–NO_3 F.	4500–NO_3 F.			
	Manual Cadmium Reduction.		4500–NO_3 E.	4500–NO_3 E.			
	Spectrophotometric		4500–NO_2 B.	4500–NO_2 B.			
	Reduction/Colorimetric						Systea Easy (1-Reagent)[8] NECi Nitrate-Reductase.[40]
Orthophosphate	Ion Chromatography		4110 B	4110 B		D 4327–11	
	Colorimetric, ascorbic acid, single reagent.		4500–P E	4500–P E	4500–P E–99		
	Colorimetric, Automated, Ascorbic Acid.		4500–P F	4500–P F	4500–P F–99		Thermo-Fisher Discrete Analyzer.[41]
*	*	*	*	*	*	*	*

* * * * *

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.74(a)(1)

Organism	Methodology	SM 21st Edition [1]	SM 22nd Edition [28]	SM Online [3]	Other
*	*	*	*	*	*
Turbidity	Nephelometric Method	2130 B	2130 B		
	Laser Nephelometry (on-line).				Mitchell M5271,[10] Mitchell M5331, Rev. 1.2.[42]
	LED Nephelometry (on-line).				Mitchell M5331,[11] Mitchell M5331, Rev. 1.2.[42]
	LED Nephelometry (on-line).				AMI Turbiwell.[15]
	LED Nephelometry (portable).				Orion AQ4500.[12]
	360° Nephelometry				Hach Method 10258.[39]

ALTERNATIVE TESTING METHODS FOR DISINFECTANT RESIDUALS LISTED AT 40 CFR 141.74(a)(2)

Residual	Methodology	SM 21st Edition [1]	SM 22nd Edition [28]	ASTM [4]	Other
Free Chlorine	Amperometric Titration	4500–Cl D	4500–Cl D	D 1253–08, −14	
	DPD Ferrous Titrimetric	4500–Cl F	4500–Cl F		
	DPD Colorimetric	4500–Cl G	4500–Cl G		Hach Method 10260.[31]
	Syringaldazine (FACTS)	4500–Cl H	4500–Cl H		
	On-line Chlorine Analyzer.				EPA 334.0.[16]
	Amperometric Sensor				ChloroSense.[17]
	Indophenol Colorimetric				Hach Method 10241.[34]
Total Chlorine	Amperometric Titration	4500–Cl D	4500–Cl D	D 1253–08, −14	
	Amperometric Titration (Low level measurement).	4500–Cl E	4500–Cl E		
	DPD Ferrous Titrimetric	4500–Cl F	4500–Cl F		
	DPD Colorimetric	4500–Cl G	4500–Cl G		Hach Method 10260.[31]
	Iodometric Electrode	4500–Cl I	4500–Cl I		
	On-line Chlorine Analyzer.				EPA 334.0.[16]
	Amperometric Sensor				ChloroSense.[17]
*	*	*	*	*	*

* * * * *

ALTERNATIVE TESTING METHODS FOR DISINFECTANT RESIDUALS LISTED AT 40 CFR 141.131(c)(1)

Residual	Methodology	SM 21st Edition [1]	SM 22nd Edition [28]	ASTM [4]	Other
Free Chlorine	Amperometric Titration	4500–Cl D	4500–Cl D	D 1253–08, −14	
	DPD Ferrous Titrimetric	4500–Cl F	4500–Cl F		
	DPD Colorimetric	4500–Cl G	4500–Cl G		Hach Method 10260.[31]
	Syringaldazine (FACTS)	4500–Cl H	4500–Cl H		
	Amperometric Sensor				ChloroSense.[17]
	On-line Chlorine Analyzer				EPA 334.0.[16]
	Indophenol Colorimetric				Hach Method 10241.[34]
Combined Chlorine	Amperometric Titration	4500–Cl D	4500–Cl D	D 1253–08, −14	
	DPD Ferrous Titrimetric	4500–Cl F	4500–Cl F		
	DPD Colorimetric	4500–Cl G	4500–Cl G		Hach Method 10260.[31]
Total Chlorine	Amperometric Titration	4500–Cl D	4500–Cl D	D 1253–08, −14	
	Low level Amperometric Titration.	4500–Cl E	4500–Cl E		
	DPD Ferrous Titrimetric	4500–Cl F	4500–Cl F		
	DPD Colorimetric	4500–Cl G	4500–Cl G		Hach Method 10260.[31]
	Iodometric Electrode	4500–Cl I	4500–Cl I		
	Amperometric Sensor				ChloroSense.[17]
	On-line Chlorine Analyzer				EPA 334.0.[16]
*	*	*	*	*	*

* * * * *

ALTERNATIVE TESTING METHODS FOR PARAMETERS LISTED AT 40 CFR 141.131(d)

Parameter	Methodology	SM 21st Edition[1]	SM 22nd Edition[28]	SM Online[3]	EPA	Other
Total Organic Carbon (TOC)	High Temperature Combustion	5310 B	5310 B		415.3, Rev 1.2.[19]	
	Persulfate-Ultraviolet or Heated Persulfate Oxidation.	5310 C	5310 C		415.3, Rev 1.2[19]	Hach Method 10267.[38]
	Wet Oxidation	5310 D	5310 D		415.3, Rev 1.2.[19]	
	Ozone Oxidation					Hach Method 10261.[37]
Specific Ultraviolet Absorbance (SUVA).	Calculation using DOC and UV_{254} data.				415.3, Rev 1.2.[19]	
Dissolved Organic Carbon (DOC)	High Temperature Combustion	5310 B	5310 B		415.3, Rev 1.2.[19]	
	Persulfate-Ultraviolet or Heated Persulfate Oxidation.	5310 C	5310 C		415.3, Rev 1.2.[19]	
	Wet Oxidation	5310 D	5310 D		415.3, Rev 1.2.[19]	
Ultraviolet absorption at 254 nm (UV_{254}).	Spectrophotometry	5910 B	5910 B	5910 B–11	415.3, Rev 1.2.[19]	

* * * * *

[1] *Standard Methods for the Examination of Water and Wastewater,* 21st edition (2005). Available from American Public Health Association, 800 I Street, NW., Washington, DC 20001–3710.

[2] EPA Method 200.5, Revision 4.2. "Determination of Trace Elements in Drinking Water by Axially Viewed Inductively Coupled Plasma-Atomic Emission Spectrometry." 2003. EPA/600/R–06/115. (Available at *http://www.epa.gov/water-research/epa-drinking-water-research-methods.*)

[3] Standard Methods Online are available at *http://www.standardmethods.org.* The year in which each method was approved by the Standard Methods Committee is designated by the last two digits in the method number. The methods listed are the only online versions that may be used.

[4] Available from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959 or *http://astm.org.* The methods listed are the only alternative versions that may be used.

* * * * *

[8] Systea Easy (1-Reagent). "Systea Easy (1-Reagent) Nitrate Method," February 4, 2009. Available at *https://www.nemi.gov* or from Systea Scientific, LLC., 900 Jorie Blvd., Suite 35, Oak Brook, IL 60523.

[9] EPA Method 524.3, Version 1.0. "Measurement of Purgeable Organic Compounds in Water by Capillary Column Gas Chromatography/Mass Spectrometry," June 2009. EPA 815–B–09–009. Available at the National Service Center for Environmental Publications (*www.epa.gov/nscep*). Search "815B09009".

[10] Mitchell Method M5271, Revision 1.1. "Determination of Turbidity by Laser Nephelometry," March 5, 2009. Available at *https://www.nemi.gov* or from Leck Mitchell, Ph.D., PE, 656 Independence Valley Dr., Grand Junction, CO 81507.

[11] Mitchell Method M5331, Revision 1.1. "Determination of Turbidity by LED Nephelometry," March 5, 2009. Available at *https://www.nemi.gov* or from Leck Mitchell, Ph.D., PE, 656 Independence Valley Dr., Grand Junction, CO 81507.

[12] Orion Method AQ4500, Revision 1.0. "Determination of Turbidity by LED Nephelometry," May 8, 2009. Available at *https://www.nemi.gov* or from Thermo Scientific, 166 Cummings Center, Beverly, MA 01915, *http://www.thermo.com.*

* * * * *

[14] EPA Method 557. "Determination of Haloacetic Acids, Bromate, and Dalapon in Drinking Water by Ion Chromatography Electrospray Ionization Tandem Mass Spectrometry (IC–ESI–MS/MS)," September 2009. EPA 815–B–09–012. Available at the National Service Center for Environmental Publications (*www.epa.gov/nscep*). Search "815B09012".

[15] AMI Turbiwell, "Continuous Measurement of Turbidity Using a SWAN AMI Turbiwell Turbidimeter," August 2009. Available at *https://www.nemi.gov* or from Markus Bernasconi, SWAN Analytische Instrumente AG, Studbachstrasse 13, CH–8340 Hinwil, Switzerland.

[16] EPA Method 334.0. "Determination of Residual Chlorine in Drinking Water Using an On-line Chlorine Analyzer," September 2009. EPA 815–B–09–013. Available at the National Service Center for Environmental Publications (*www.epa.gov/nscep*). Search "815B09013".

[17] ChloroSense. "Measurement of Free and Total Chlorine in Drinking Water by Palintest ChloroSense," August 2009. Available at *https://www.nemi.gov* or from Palintest Ltd, 1455 Jamike Avenue (Suite 100), Erlanger, KY 41018.

[18] EPA Method 302.0. "Determination of Bromate in Drinking Water using Two-Dimensional Ion Chromatography with Suppressed Conductivity Detection," September 2009. EPA 815–B–09–014. Available at the National Service Center for Environmental Publications (*www.epa.gov/nscep*). Search "815B09014".

[19] EPA 415.3, Revision 1.2. "Determination of Total Organic Carbon and Specific UV Absorbance at 254 nm in Source Water and Drinking Water," September 2009. EPA/600/R–09/122. Available at *http://www.epa.gov/water-research/epa-drinking-water-research-methods.*

* * * * *

[23] Hach Company. "Hach Company TNTplus ™ 835/836 Nitrate Method 10206—Spectrophotometric Measurement of Nitrate in Water and Wastewater," January 2011. 5600 Lindbergh Drive, P.O. Box 389, Loveland, Colorado 80539. (Available at *http://www.hach.com.*)

[24] EPA Method 525.3. "Determination of Semivolatile Organic Chemicals in Drinking Water by Solid Phase Extraction and Capillary Column Gas Chromatography/Mass Spectrometry (GC/MS)," February 2012. EPA/600/R–12/010. Available at *http://www.epa.gov/water-research/epa-drinking-water-research-methods.*

[25] EPA Method 536. "Determination of Triazine Pesticides and their Degradates in Drinking Water by Liquid Chromatography Electrospray Ionization Tandem Mass Spectrometry (LC/ESI–MS/MS)," October 2007. EPA 815–B–07–002. Available at the National Service Center for Environmental Publications (*www.epa.gov/nscep*). Search "815B07002".

[26] EPA Method 523. "Determination of Triazine Pesticides and their Degradates in Drinking Water by Gas Chromatography/Mass Spectrometry (GC/MS)," February 2011. EPA 815–R–11–002. Available at the National Service Center for Environmental Publications (*www.epa.gov/nscep*). Search "815R11002".

[27] EPA Method 1623.1. "*Cryptosporidium* and *Giardia* in Water by Filtration/IMS/FA," 2012. EPA–816–R–12–001. Available at the National Service Center for Environmental Publications (*www.epa.gov/nscep*). Search "816R12001".

[28] *Standard Methods for the Examination of Water and Wastewater,* 22nd edition (2012). Available from American Public Health Association, 800 I Street, NW., Washington, DC 20001–3710.

[29] EPA Method 524.4, Version 1.0. "Measurement of Purgeable Organic Compounds in Water by Gas Chromatography/Mass Spectrometry using Nitrogen Purge Gas," May 2013. EPA 815–R–13–002. Available at the National Service Center for Environmental Publications (*www.epa.gov/nscep*). Search "815R13002".

* * * * *

[31] Hach Company. "Hach Method 10260—Determination of Chlorinated Oxidants (Free and Total) in Water Using Disposable Planar Reagent-filled Cuvettes and Mesofluidic Channel Colorimetry," April 2013. 5600 Lindbergh Drive, P.O. Box 389, Loveland, CO 80539. (Available at *http://www.hach.com.*)

[33] Tecta EC/TC. "Techta™ EC/TC Medium and Techta™ Instrument: A Presence/Absence Method for the Simultaneous Detection of Total Coliforms and *Escherichia coli* (*E. coli*) in Drinking Water," version 1.0, May 2014. Available from Veolia Water Solutions and Technologies, Suite 4697,

Biosciences Complex, 116 Barrie Street, Kingston, Ontario, Canada, K7L 3N6.

[34] Hach Company. "Hach Method 10241—Spectrophotometric Measurement of Free Chlorine (Cl_2) in Finished Drinking Water," November 2015. Revision 1.2. 5600 Lindbergh Drive, P.O. Box 389, Loveland, CO 80539. (Available at *http://www.hach.com.*)

[35] Hach Company. "Hach Method 8026—Spectrophotometric Measurement of Copper in Finished Drinking Water," December 2015. Revision 1.2. 5600 Lindbergh Drive, P.O. Box 389, Loveland, CO 80539. (Available at *http://www.hach.com.*)

[36] Hach Company. "Hach Method 10272—Spectrophotometric Measurement of Copper in Finished Drinking Water," December 2015. Revision 1.2. 5600 Lindbergh Drive, P.O. Box 389, Loveland, CO 80539. (Available at *http://www.hach.com.*)

[37] Hach Company. "Hach Method 10261—Total Organic Carbon in Finished Drinking Water by Catalyzed Ozone Hydroxyl Radical Oxidation Infrared Analysis," December 2015. Revision 1.2. 5600 Lindbergh Drive, P.O. Box 389, Loveland, CO 80539. (Available at *http://www.hach.com.*)

[38] Hach Company. "Hach Method 10267—Spectrophotometric Measurement of Total Organic Carbon (TOC) in Finished Drinking Water," December 2015. Revision 1.2. 5600 Lindbergh Drive, P.O. Box 389, Loveland, CO 80539. (Available at *http://www.hach.com.*)

[39] Hach Company. "Hach Method 10258—Determination of Turbidity by 360° Nephelometry," January 2016. 5600 Lindbergh Drive, P.O. Box 389, Loveland, CO 80539. (Available at *http://www.hach.com.*)

[40] Nitrate Elimination Company, Inc. (NECi). "Method for Nitrate Reductase Nitrate-Nitrogen Analysis of Drinking Water," February 2016. Superior Enzymes, Inc., 334 Hecla Street, Lake Linden, Michigan 49945.

[41] Thermo Fisher. "Thermo Fisher Scientific Drinking Water Orthophosphate Method for Thermo Scientific Gallery Discrete Analyzer," February 2016. Revision 5. Thermo Fisher Scientific, Ratastie 2, 01620 Vantaa, Finland.

[42] Mitchell Method M5331, Revision 1.2. "Determination of Turbidity by LED or Laser Nephelometry," February 2016. Available from Leck Mitchell, Ph.D., PE, 656 Independence Valley Dr., Grand Junction, CO 81507.

[FR Doc. 2016–16516 Filed 7–18–16; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 1, 2, 15, 136, 137, 138, 139, 140, 141, 142, 143, 144, and 199

[Docket No. USCG–2006–24412]

RIN 1625–AB06

Inspection of Towing Vessels

AGENCY: Coast Guard, DHS.

ACTION: Final rule; information collection approval.

SUMMARY: The Coast Guard announces that the Office of Management and Budget (OMB) has approved the collection of information described in the Inspection of Towing Vessels final rule published on June 20, 2016. In that rule, which establishes safety regulations governing the inspection, standards, and safety management systems of towing vessels, we stated that before the Coast Guard could enforce the collection of information requirements in the rule, OMB would need to approve the Coast Guard's request to collect this information. This document announces that approval. On June 23, 2016, OMB approved this Coast Guard request and assigned this collection of information OMB control number 1625–0117.

DATES: On June 23, 2016, OMB approved a new collection of information assigned OMB control number 1625–0117. That approval expires on June 30, 2019. Based on this OMB approval, the Coast Guard may start enforcing applicable collection of information requirements in the Inspection of Towing Vessels final rule published in the **Federal Register** on June 20, 2016 (81 FR 40004), starting on that rule's effective date, July 20, 2016.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email Lieutenant Commander William Nabach, Project Manager, CG–OES–2, Coast Guard, telephone 202–372–1386, email *William.A.Nabach@uscg.mil.*

SUPPLEMENTARY INFORMATION: On June 23, 2016, the Office of Management and Budget (OMB) approved a new collection of information for the Inspection of Towing Vessels final rule published on June 20, 2016 (81 FR 40004). In that rule, which establishes safety regulations governing the inspection, standards, and safety management systems of towing vessels, we stated that before the Coast Guard could enforce the collection of information requirements in the rule, OMB would need to approve the Coast Guard's request to collect this information. This document announces the approval of that collection which has been assigned OMB control number 1625–0117. OMB's approval of that collection will expire on June 30, 2019.

On July 12, 2016, OMB approved the insertion of "CFR" in the title of the collection of information so it conforms with the title presented in the final rule: Towing Vessels—Title 46 CFR Subchapter M. We have included that notice of action in the docket as well as OMB's June 23, 2016 notice of action.

The Inspection of Towing Vessels final rule becomes effective July 20, 2016, and the Coast Guard may start enforcing that rule's applicable collection of information requirements on that date. As noted in the summary of that rule, certain existing towing vessels subject to this rule will have an additional 2 years before having to comply with most of its requirements, but we anticipate receiving applications from organizations seeking to become third-party organizations soon after the rule becomes effective.

A copy of the two approval memos from OMB and the Inspection of Towing Vessels final rule are in docket USCG–2006–24412 which is available on the Internet by going to *http://www.regulations.gov,* inserting USCG–2006–24412 in the "Search" box, and clicking "Search."

This document, which announces approval of the collection of information assigned OMB control number 1625–0117, is issued under authority of 5 U.S.C. 552(a).

Dated: July 14, 2016.

J.G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2016–17007 Filed 7–18–16; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 121004518–3398–01]

RIN 0648–XE701

Reef Fish Fishery of the Gulf of Mexico; 2016 Recreational Accountability Measures and Closure for Gulf of Mexico Gray Triggerfish

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures (AMs) for the gray triggerfish recreational sector in the exclusive economic zone (EEZ) of the Gulf of Mexico (Gulf) for the 2016 fishing year through this temporary rule. NMFS has determined that the 2015 recreational annual catch limit (ACL) for Gulf gray triggerfish was exceeded; therefore, NMFS reduces the gray triggerfish recreational ACL and annual

catch target (ACT) in 2016. NMFS has also determined that the recreational ACT for Gulf gray triggerfish was reached prior to the June 1 annual season closure. Therefore, the gray triggerfish recreational season in the Gulf EEZ will remain closed and will not be re-opening on August 1, 2016. This closure is necessary to protect the Gulf gray triggerfish resource.

DATES: This rule is effective from 12:01 a.m., local time, August 1, 2016, until 12:01 a.m., local time, on January 1, 2017.

FOR FURTHER INFORMATION CONTACT: Rich Malinowski, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *rich.malinowski@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS manages the Gulf reef fish fishery, which includes gray triggerfish, under the Fishery Management Plan for the Reef Fish Resources of the Gulf (FMP). The Gulf of Mexico Fishery Management Council (Council) prepared the FMP and NMFS implements the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. All gray triggerfish weights discussed in this temporary rule are in round weight.

The 2016 recreational ACL for Gulf gray triggerfish specified in 50 CFR 622.41(b)(2)(iii) is 241,200 lb (109,406 kg) and the recreational ACT is 217,100 lb (98,475 kg). However, in 2015, the recreational harvest of gray triggerfish exceeded the 2015 recreational ACL by 39,997 lb (18,142 kg). Therefore, consistent with the requirements specified in 50 CFR 622.41(b)(2)(ii), NMFS reduces the recreational ACL for gray triggerfish in 2016 to 201,223 lb (91,273 kg) and the recreational ACT to 177,123 lb (80,342 kg).

Under 50 CFR 622.41(b)(2)(i), NMFS is required to close the recreational sector for gray triggerfish when the recreational ACT is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has determined the 2016 recreational ACT was reached prior to the annual season closure, which is effective from June 1 through July 31 each year. Accordingly, the recreational sector for Gulf gray triggerfish will not re-open on August 1, because NMFS is closing recreational harvest of triggerfish for the 2016 fishing year effective at 12:01 a.m., local time, August 1, 2016, until 12:01 a.m., local time, January 1, 2017, the start of the next fishing year.

During the recreational closure, the bag and possession limits for gray triggerfish in or from the Gulf EEZ are zero. The prohibition on possession in the Gulf on board a vessel for which a valid Federal charter vessel/headboat permit for Gulf reef fish has been issued applies regardless of whether gray triggerfish were harvested in state or Federal waters.

The recreational sector for gray triggerfish will reopen on January 1, 2017, the beginning of the 2017 recreational fishing year.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of Gulf gray triggerfish and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.41(b)(2)(i) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best scientific information available. The Assistant Administrator for NOAA Fisheries (AA), finds that the need to immediately implement this action to close the recreational sector for gray triggerfish constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment on this temporary rule pursuant to the authority set forth in 5 U.S.C. 553(b)(B), because such procedures are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule establishing the closure provisions was subject to notice and comment, and all that remains is to notify the public of the closure. Such procedures are contrary to the public interest because of the need to immediately implement this action to protect gray triggerfish. Prior notice and opportunity for public comment would require time and would potentially allow the recreational sector to exceed the recreational ACL.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 14, 2016.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2016–17043 Filed 7–14–16; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 81, No. 138
Tuesday, July 19, 2016

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–5574; Airspace Docket No. 16–AWP–5]

Notice of Proposed Rulemaking

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify the Class E airspace extending upward from 700 feet above the surface at Sonoma County Airport, Napa, CA, by removing an irregular shaped area located approximately 20 miles southwest of Napa County Airport. This airspace area is discontinuous from the airspace surrounding Napa County Airport and is not essential to instrument flight rules (IFR) operation at the airport. This proposal would also update the airport geographic coordinates. This action is necessary for the safety and management of instrument flight rules (IFR) operations at the airport, with the minimum amount of airspace restriction.

DATES: Comments must be received on or before September 2, 2016.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone: 1–800–647–5527, or (202–366–9826). You must identify FAA Docket No. FAA–2016–5574; airspace Docket No. 16–AWP–5, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office is on the ground floor of the building at the above address.

FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA order 7400.9Z at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Tom Clark, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4511.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class E airspace at Napa County Airport, Napa CA.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA–2016–5574; Airspace Docket No. 16ANM–5." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.regulations.gov.* Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

Availability and Summary of Documents Proposed for Incorporation by Reference

This document proposes to amend FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. FAA Order 7400.9Z is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying class E airspace extending upward from 700 feet above the surface at Napa County Airport, Napa, CA, by removing an irregular shaped area located approximately 20 miles southwest of the airport. This airspace area is discontinuous from the airspace surrounding Napa County Airport and is not necessary to support IFR operations. This proposal also would update the airport geographic coordinates to lat. 38°12′48″ N., long. 122°16′51″ W., to coincide with the FAA's aeronautical database.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9Z, dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AWA CA E5 Napa, CA [Amended]

Napa County Airport, CA
(Lat. 38°12′48″ N., long. 122°16′51″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Napa County Airport.

Issued in Seattle, Washington, on June 23, 2016.

Tracey Johnson,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2016–16385 Filed 7–18–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2016–4282; Airspace Docket No. 16–AWP–3]

Proposed Establishment of Temporary Restricted Areas R–2509E, R–2509W, and R–2509N; Twentynine Palms, CA; Withdrawal

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); withdrawal.

SUMMARY: This action withdraws the NPRM published in the **Federal Register** of March 30, 2016, proposing to establish temporary restricted areas R–2509E, R–2509W, and R–2509N, Twentynine Palms, CA. The FAA has determined that withdrawal of that NPRM is warranted due to aeronautical impacts associated with the proposed action.

DATES: Effective date: 0901 UTC, July 19, 2016.

FOR FURTHER INFORMATION CONTACT: Colby Abbott, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington DC, 20591; telephone (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

An NPRM was published in the **Federal Register** of March 30, 2016 (81 FR 17619), to establish new temporary restricted areas R–2509E, R–2509W, and R–2509N to accommodate a United States Marine Corps (USMC) Large Scale Exercise (LSE) on new Twentynine Palms lands planned for August 1 to August 18, 2016. The proposed new temporary restricted areas would support live fire activities including anti-tank weapons, mortars, and artillery, as well as Unmanned Aircraft Systems, fixed wing, and rotary wing training activities conducting close air support and live ordnance delivery. Efforts to mitigate the aeronautical impacts associated with the proposed action have been unsuccessful and there is no longer sufficient time remaining to complete the actions required to process the airspace proposal in time for the August 1, 2016, exercise start date. Therefore, the NPRM is being withdrawn.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Withdrawal

In consideration of the foregoing, the NPRM for FR Doc. FAA–2016–4282, Airspace Docket No. 16–AWP–3, as published in the **Federal Register** of March 30, 2016 (81 FR 17619) (FR Doc. 2016–07166), is hereby withdrawn.

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

Issued in Washington, DC, on July 12, 2016.

Leslie M. Swann,

Acting Manager, Airspace Policy Group.

[FR Doc. 2016–16922 Filed 7–18–16; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2016–0292; FRL–9949–06–Region 9]

Approval and Revision of Air Plans; Arizona; Regional Haze State and Federal Implementation Plans; Reconsideration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a source-specific revision to the Arizona State Implementation Plan (SIP) that addresses requirements for best available retrofit technology (BART) at Cholla Generating Station (Cholla). The EPA proposes to find that the SIP revision fulfills the requirements of the Clean Air Act (CAA) and the EPA's Regional Haze Rule (RHR) for BART at Cholla. In conjunction with this proposed approval, we propose to withdraw those portions of the federal implementation plan (FIP) that address BART for Cholla. We previously partially granted petitions for reconsideration of that FIP from Cholla's owners, Arizona Public Service Company (APS) and PacifiCorp. We are now proposing to find that final withdrawal of the FIP, as it applies to Cholla, would constitute our action on APS's and PacifiCorp's petitions for reconsideration of the FIP.

DATES: Written comments must be received on or before September 2, 2016. Requests for public hearing must be received on or before August 3, 2016.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2016–0292 at *http://www.regulations.gov,* or via email to *limaye.vijay@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Vijay Limaye, U.S. EPA, Region 9, Planning Office, Air Division, Air–2, 75 Hawthorne Street, San Francisco, CA 94105. Vijay Limaye can be reached at telephone number (415) 972–3086 and via electronic mail at *limaye.vijay@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us" and "our" refer to the EPA.

Table of Contents

I. General Information
II. Background
III. Summary of the Cholla SIP Revision
IV. The EPA's Evaluation of the Cholla SIP Revision
V. Proposed Action
VI. Environmental Justice Considerations
VII. Incorporation by Reference
VIII. Statutory and Executive Order Reviews

I. General Information

A. Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

- The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.
- The initials *ADEQ* mean or refer to the Arizona Department of Environmental Quality.
- The initials *AFUDC* mean or refer to Allowance for Funds Used During Construction.
- The initials *APS* mean or refer to Arizona Public Service Company.
- The words *Arizona* and *State* mean the State of Arizona.
- The initials *BART* mean or refer to Best Available Retrofit Technology.
- The term *Class I area* refers to a mandatory Class I Federal area.[1]
- The initials *CBI* mean or refer to Confidential Business Information.
- The initials *CCM* mean or refer to the EPA's Control Cost Manual.
- The words *EPA, we, us* or *our* mean or refer to the United States Environmental Protection Agency.
- The initials *FIP* mean or refer to Federal Implementation Plan.
- The initials *LNB* mean or refer to low-NO_X burners.
- The initials *MMBtu* mean or refer to million British thermal units
- The initials *NO_X* mean or refer to nitrogen oxides.
- The initials *OFA* mean or refer to over fire air.
- The initials *PM_{10}* mean or refer to particulate matter with an aerodynamic diameter of less than 10 micrometers.
- The initials *RHR* mean or refer to the EPA's Regional Haze Rule.
- The initials *RP* mean or refer to Reasonable Progress.
- The initials *RPG* or *RPGs* mean or refer to Reasonable Progress Goal(s).
- The initials *SCR* mean or refer to Selective Catalytic Reduction.
- The initials *SIP* mean or refer to State Implementation Plan.
- The initials *SNCR* mean or refer to Selective Non-catalytic Reduction
- The initials *SOFA* mean or refer to separated over fire air.
- The initials *SO_2* mean or refer to sulfur dioxide.

B. Docket

The EPA has established docket number EPA–R09–OAR–2016–0292 for this action. Generally, documents in the docket for this action are available electronically at *http://www.regulations.gov* or in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901. While all documents in the docket are listed at *http://www.regulations.gov,* some information may be publicly available only at the hard copy location (*e.g.*, copyrighted material, large maps, multi-volume reports), and some may not be available in either location (*e.g.*, confidential business information (CBI)). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

C. Public Hearings

If anyone contacts the EPA by August 3, 2016 requesting to speak at a public hearing, the EPA will schedule a public hearing and announce the hearing in the **Federal Register**. Contact Vijay Limaye at (415) 972–3086 or at *limaye.vijay@epa.gov* to request a hearing or to determine if a hearing will be held.

---

[1] Although states and tribes may designate as Class I additional areas which they consider to have visibility as an important value, the requirements of the visibility program set forth in section 169A of the CAA apply only to "mandatory Class I Federal areas."

II. Background

A. Statutory and Regulatory Background

This section provides a brief overview of the requirements of the CAA and RHR, as they apply to this particular action. Please refer to our previous rulemakings on the Arizona Regional Haze SIP for additional background regarding the visibility protection provisions of the CAA and the RHR.[2]

In section 169A of the 1977 Amendments to the CAA, Congress created a program for protecting visibility in the nation's national parks and wilderness areas. This section of the CAA establishes as a national goal the "prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I Federal areas which impairment results from manmade air pollution." [3] It also directs states to evaluate the use of retrofit controls at certain larger, often uncontrolled, older stationary sources in order to address visibility impacts from these sources. Specifically, section 169A(b)(2)(A) of the CAA requires states to revise their SIPs to contain such measures as may be necessary to make reasonable progress towards the natural visibility goal, including a requirement that certain categories of existing major stationary sources built between 1962 and 1977 (known as "BART-eligible" sources) procure, install, and operate BART. In the 1990 CAA Amendments, Congress amended the visibility provisions in the CAA to focus attention on the problem of regional haze, which is visibility impairment produced by a multitude of sources and activities located across a broad geographic area.[4]

In 1999, we promulgated the RHR, which requires states to develop and implement SIPs to ensure reasonable progress toward improving visibility in mandatory Class I Federal areas (Class I areas) [5] by reducing emissions that cause or contribute to regional haze.[6] Under the RHR, states are directed to conduct an analysis and make a BART determination for each BART-eligible source that may be anticipated to cause or contribute to any visibility impairment in a Class I area.[7] In particular, under CAA section 169A(g)(2) and 40 CFR 51.308(e)(1)(ii)(A), states must analyze and consider the following five factors as part of each source-specific BART analysis: (1) The costs of compliance of each technically feasible control technology, (2) the energy and non-air quality environmental impacts of compliance of the control technologies, (3) any existing pollution control technology in use at the source, (4) the remaining useful life of the source, and (5) the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology (collectively known as the "five-factor BART analysis").

In 2005, the EPA published the Guidelines for BART Determinations under the Regional Haze Rule at Appendix Y to 40 CFR part 51 ("BART Guidelines") on July 6, 2005. The BART Guidelines assist states in determining which of their sources should be subject to the BART requirements and in determining appropriate emission limits for each such "subject-to-BART" source. In making BART determinations for fossil fuel-fired electric generating plants with a total generating capacity in excess of 750 megawatts, states must use the approaches set forth in the BART Guidelines. States are encouraged, but not required, to follow the BART Guidelines in making BART determinations for other types of sources. In lieu of requiring source-specific BART controls, states also have the flexibility to adopt an alternative measure as long as the alternative provides greater reasonable progress towards natural visibility conditions than BART (*i.e.*, the alternative must be "better than BART").[8]

In addition to the visibility protection requirements of the CAA and the RHR, SIP revisions concerning regional haze are also subject to the general requirements of CAA section 110. In particular, they are subject to the requirement in CAA section 110(l) that SIP revisions must not "interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in [CAA section 171]), or any other applicable requirement of [the CAA]," as well as the requirement in CAA section 110(a)(2)(A) that SIPs must include enforceable emission limits.

B. Cholla Generating Station

Cholla Generating Station consists of four primarily coal-fired electricity generating units with a total plant-wide generating capacity of 1,150 megawatts. Unit 1 is a 126 MW tangentially-fired, dry-bottom boiler that is not BART-eligible. Units 2, 3 and 4 have capacities of 272 MW, 272 MW and 410 MW, respectively, and are tangentially-fired, dry-bottom boilers that are each BART-eligible. Units 1, 2, and 3 are owned and operated by APS and Unit 4 is owned by PacifiCorp and operated by APS.

C. Summary of State Submittals and EPA Actions

1. 2011 Arizona Regional Haze SIP

On February 28, 2011, the Arizona Department of Environmental Quality (ADEQ) submitted a Regional Haze SIP under Section 308 of the RHR ("Arizona Regional Haze SIP") to EPA. This submittal included BART analyses and determinations for nitrogen oxides (NO_X), particulate matter with an aerodynamic diameter of less than 10 micrometers (PM_{10}), and sulfur dioxide (SO_2) at Cholla Units 2, 3, and 4. ADEQ's BART analyses for Cholla included the following seven steps:

- Step 1: Identify the Existing Control Technologies in Use at the Source,
- Step 2: Identify All Available Retrofit Control Options,
- Step 3: Eliminate All Technically Infeasible Control Options,
- Step 4: Evaluate Control Effectiveness of Remaining Technologies,
- Step 5: Evaluate the Energy and Non-Air Quality Environmental Impacts and Document Results,[9]
- Step 6: Evaluate Visibility Impacts, and
- Step 7: Select BART.[10]

2. 2012 EPA Action on Arizona Regional Haze SIP and FIP

On December 5, 2012, we issued a final rule approving in part and disapproving in part ADEQ's BART determinations for three sources, including Cholla.[11] We found that ADEQ's overall approach to conducting BART analyses and its implementation of the first four steps of its approach were generally reasonable and consistent with the RHR and the BART Guidelines. However, we found significant flaws in ADEQ's implementation of the last three steps.

---

[2] 77 FR 42834, 42837–42839 (July 20, 2012), (Arizona Regional Haze "Phase 1" Rule) 77 FR 75704, 75709–75712 (December 21, 2012), (Arizona Regional Haze "Phase 2" Rule).

[3] 42 U.S.C. 7491(a)(1).

[4] See CAA section 169B, 42 U.S.C. 7492.

[5] Areas designated as mandatory Class I Federal areas consist of national parks exceeding 6000 acres, wilderness areas and national memorial parks exceeding 5000 acres, and all international parks that were in existence on August 7, 1977. 42 U.S.C. 7472(a). When we use the term "Class I area" in this action, we mean a "mandatory Class I Federal area."

[6] See generally 40 CFR 51.308.

[7] 40 CFR 51.308(e).

[8] 40 CFR 51.308(e)(2).

[9] We note that, while ADEQ referred to its Step 5 as an evaluation of energy and non-air quality environmental impacts, this step also includes consideration of the costs of compliance and the remaining useful life of the source, consistent with the BART Guidelines, 40 CFR part 51, appendix Y, section IV.D.4.

[10] Arizona Regional Haze SIP Revision, Appendix D, section XI.

[11] 77 FR 72511.

In particular, under step 5, we found that the costs of compliance were not calculated in accordance with the BART Guidelines; under step 6, we found that the visibility benefits were not appropriately evaluated and considered; and under step 7, we found that ADEQ did not provide a sufficient explanation and rationale for its determinations.[12] As a result of these flaws, we disapproved ADEQ's BART determinations for NO_X at Cholla Units 2, 3, and 4. We also found that the SIP lacked enforceable emission limits for all units and pollutants. In the same action, we promulgated a FIP for the disapproved portions of the SIP, including NO_X BART determinations for Units 2, 3, and 4. We determined that BART for NO_X at Units 2, 3, and 4 was an emission limit of 0.055 pounds per million British thermal units (lb/MMBtu) determined as an average across the three units, based on a rolling 30-boiler-operating-day average, which is achievable with the use of low-NO_X burners (LNB), overfire air (OFA) and selective catalytic reduction (SCR). The compliance date for the NO_X BART emission limit is December 5, 2017. In addition, we established an SO_2 removal efficiency requirement of 95 percent for the scrubbers on Cholla Units 2, 3 and 4. Cholla Units 3 and 4 were required to achieve this removal efficiency by December 5, 2013, and Cholla Unit 2 was required to comply by April 1, 2016. We also established requirements for equipment maintenance, monitoring, recordkeeping, and reporting for all units and all pollutants.

3. 2015 APS Application for Significant Permit Revision for Cholla Generating Station

On January 15, 2015, APS and PacifiCorp submitted an "Application for Significant Permit Revision and Five-Factor BART Reassessment for Cholla" to ADEQ. APS and PacifiCorp requested that ADEQ conduct a revised BART analysis and determination based on new facts ("BART Reassessment") and submit this BART Reassessment to the EPA as a revision to the Arizona Regional Haze SIP. Under the Cholla BART Reassessment, APS and PacifiCorp would commit to the following measures in lieu of implementing the FIP requirements for the Cholla Generating Station:

- Unit 2 would be permanently shut down by April 1, 2016;
- Unit 3 and Unit 4 would continue to operate with currently installed LNB and separated over fire air (SOFA). In addition, by April 30, 2025, APS and PacifiCorp would permanently cease burning coal at both units with the option to convert to pipeline-quality natural gas by July 31, 2025, with a ≤20 percent annual average capacity factor.

4. 2015 Arizona Regional Haze SIP Revision for Cholla Generating Station

On October 22, 2015, ADEQ submitted a revision to the Arizona Regional Haze SIP that incorporates the Cholla BART Reassessment ("Cholla SIP Revision"). The Cholla SIP Revision is the subject of this proposal.

III. Summary of the Cholla SIP Revision

The Cholla SIP Revision consists of a revised BART analysis and determination for NO_X at Cholla, an analysis under CAA section 110(l), and a revision to Cholla's operating permit ("Cholla Permit Revision")[13] to implement both the revised BART determination for NO_X and ADEQ's prior BART determinations for SO_2 and PM_{10} at Cholla. If fully approved by the EPA, the Cholla SIP Revision would fill the gap in the Arizona Regional Haze SIP that resulted from the EPA's disapproval of ADEQ's BART determinations for NO_X at Cholla Units 2, 3, and 4 and the lack of enforceable emission limits for all units and pollutants. Accordingly, full approval of the Cholla SIP Revision would enable the EPA to withdraw the provisions of the Arizona Regional Haze FIP that apply to Cholla.

In the Cholla SIP Revision, ADEQ determined that, if Unit 2 were shut down by April 1, 2016, no BART determination for Unit 2 would be necessary "because the enforceable shutdown date is within the five-year BART window."[14] For Units 3 and 4, ADEQ performed a revised BART analysis, taking into account the new requirements that would be imposed as part of the Cholla BART Reassessment. This re-analysis and the resulting BART determinations are summarized in the following sections.

A. BART Re-Analysis for Cholla Units 3 and 4

ADEQ's BART re-analysis for Units 3 and 4 consists of an evaluation of each of the five BART factors, effectively replacing step 5 (evaluation of costs of compliance, energy and non-air quality environmental impacts, and remaining useful life) and step 6 (evaluation of visibility benefits) of ADEQ's prior BART analysis for Cholla in the Arizona Regional Haze SIP.

1. Cost of Compliance

ADEQ evaluated the costs of compliance for three control options: (1) LNB and SOFA, (2) SNCR with LNB and SOFA, and (3) SCR with LNB and SOFA. Two fuel-use scenarios were used as a comparison: (1) Twenty years of operation on coal and (2) eight years of operation on coal followed by twelve years of operation on natural gas (as provided for under the BART Reassessment). The cost-effectiveness values for each control option under each of these scenarios are shown in Tables 1 and 2. For all options, the costs associated with the BART Reassessment are due to lower utilization periods (coal firing until 2025 instead of for 20 years) as well as significantly lower NO_X emissions after conversion to natural gas.

TABLE 1—COST-EFFECTIVENESS OF NO_X CONTROL OPTIONS AT CHOLLA ASSUMING 20 YEARS OF OPERATION ON COAL

Unit	Control option	Average			Incremental[a]		
		Annual cost ($/year)	Emission reduction relative to baseline (ton/year)	Average cost-effectiveness ($/ton)	Incremental annual cost ($/year)	Incremental emission reduction (ton/year)	Incremental cost-effectiveness ($/ton)
3	LNB and SOFA	$483,300	1,219	$396	....	....	....
	SNCR with LNB and SOFA	3,070,443	1,911	1,607	2,587,143	691	3,742
	SCR with LNB and SOFA	9,448,912	3,300	2,838	8,965,612	2,110	4,248
4	LNB and SOFA	673,550	1,756	384	....	....	....

---

[12] See 77 FR 42834, 42840–42941.

[13] Cholla BART SIP Revision, Appendix A Significant Permit Revision No. 61713 to Operating Permit No. 53399 for Arizona Public Service Company Cholla Generating Station (October 16, 2015).

[14] Cholla SIP Revision, section 2.2, page 4.

TABLE 1—COST-EFFECTIVENESS OF NO_X CONTROL OPTIONS AT CHOLLA ASSUMING 20 YEARS OF OPERATION ON COAL—Continued

Unit	Control option	Average			Incremental[a]		
		Annual cost ($/year)	Emission reduction relative to baseline (ton/year)	Average cost-effectiveness ($/ton)	Incremental annual cost ($/year)	Incremental emission reduction (ton/year)	Incremental cost-effectiveness ($/ton)
	SNCR with LNB and SOFA	4,086,366	2,643	1,546	3,412,816	887	3,848
	SCR with LNB and SOFA	13,590,853	4,408	3,083	12,917,303	2,652	4,871

[a] The incremental cost effectiveness results for SNCR and SCR are based on the emission and cost differences between these technologies and the proposed LNB + SOFA option.

TABLE 2—COST-EFFECTIVENESS OF NO_X CONTROL OPTIONS AT CHOLLA ASSUMING 8 YEARS OF OPERATION ON COAL AND 12 YEARS OF OPERATION ON NATURAL GAS

Unit	Control option	Average			Incremental		
		Annual cost ($/year)	Emission reduction relative to baseline (ton/year)	Average cost-effectiveness ($/ton)	Incremental annual cost ($/year)	Incremental emission reduction (ton/year)	Incremental cost-effectiveness ($/ton)
3	LNB and SOFA	$411,300	488	$843			
	SNCR with LNB and SOFA	2,497,743	786	3,177	2,086,443	299	6,989
	SCR with LNB and SOFA	8,716,452	1,387	6,286	8,305,152	899	9,237
4	LNB and SOFA	571,550	702	814			
	SNCR with LNB and SOFA	3,283,930	1,085	3,027	2,712,380	383	7,091
	SCR with LNB and SOFA	12,480,744	1,833	6,810	11,909,194	1,130	10,539

2. Energy and Non-Air Environmental Impacts

ADEQ indicated that the energy impacts of LNB, SOFA, and SNCR are minimal and that there are no non-air quality environmental impacts associated with LNB and SOFA. ADEQ also noted that SNCR and SCR would result in ammonia slip and that the transport and handling of anhydrous ammonia presents potential safety hazards.

3. Existing Air Pollution Controls

ADEQ noted that, under the Cholla BART Reassessment, use of the existing LNB and SOFA would be continued at Units 3 and 4. ADEQ proposed no additional controls for these two units. Unit 2 would be shut down in April 2016, while Unit 1 (the non-BART unit) would cease burning coal in 2025.

4. Remaining Useful Life

ADEQ used a 20-year amortization period in order to calculate the costs of compliance for Units 3 and 4 because neither unit is subject to an enforceable shutdown date.

5. Degree of Visibility Improvement

ADEQ included the results of modeling conducted by APS and PacifiCorp to predict the degree of visibility improvement associated with the three BART scenarios. This modeling predicted visibility impacts at the thirteen Class I areas within 300 km of the Cholla facility under a baseline scenario (based on 2001–2003 emissions with all four units operating), as well as the three BART control scenarios:

- BART Option 1: Unit 1 with 2001–2003 baseline controls (pre-LNB), Unit 2 shut down, LNB/SOFA on Units 3 and 4;
- BART Option 2: Unit 1 with 2001–2003 baseline controls (pre-LNB), Unit 2 shut down, LNB/SOFA and SNCR on Units 3 and 4; and
- BART Option 3: Unit 1 with 2001–2003 baseline controls (pre-LNB), Unit 2 shut down, LNB/SOFA and SCR on Units 3 and 4.

APS and PacifiCorp used CALPUFF version 5.8 and incorporated meteorological data for 2001–2003, an assumption of 1.0 part per billion background concentration for ammonia, and "Method 8b" 20 percent best days background conditions for all cases. The results of this modeling are shown in Tables 3 and 4.

TABLE 3—PREDICTED VISIBILITY IMPACTS

[22nd highest delta-dv over 3-year period]

Class I area	Baseline	BART Option 1 (LNB/SOFA)	BART Option 2 (LNB/SOFA/SNCR)	BART Option 3 (LNB/SOFA/SCR)
Petrified Forest NP	5.31	4.33	4.05	3.55
Grand Canyon NP	3.40	1.79	1.62	1.20
Capitol Reef NP	2.19	1.04	0.91	0.62
Mazatzal WA	2.23	0.96	0.87	0.69
Sycamore Canyon WA	2.27	1.00	0.88	0.67
Mount Baldy WA	2.10	0.97	0.85	0.62
Gila WA	1.53	0.53	0.47	0.39
Sierra Ancha WA	2.28	1.05	0.97	0.81

TABLE 3—PREDICTED VISIBILITY IMPACTS—Continued

[22nd highest delta-dv over 3-year period]

Class I area	Baseline	BART Option 1 (LNB/SOFA)	BART Option 2 (LNB/SOFA/SNCR)	BART Option 3 (LNB/SOFA/SCR)
Mesa Verde NP	2.08	0.88	0.78	0.60
Galiuro WA	0.96	0.34	0.31	0.27
Superstition WA	2.00	1.00	0.93	0.73
Saguaro NP	0.70	0.22	0.22	0.20
Pine Mountain WA	1.64	0.67	0.59	0.48

TABLE 4—PREDICTED VISIBILITY IMPROVEMENT OVER THE BASELINE VISIBILITY IMPACTS

[22nd highest delta-dv over 3-year period]

Class I area	BART Option 1 (LNB/SOFA)	BART Option 2 (LNB/SOFA /SNCR)	BART Option 3 (LNB/SOFA /SCR)	Option 2 over Option 1	Option 3 over Option 1
Petrified Forest NP	0.98	1.26	1.77	0.28	0.79
Grand Canyon NP	1.61	1.78	2.20	0.17	0.59
Capitol Reef NP	1.15	1.28	1.57	0.13	0.42
Mazatzal WA	1.27	1.36	1.54	0.09	0.27
Sycamore Canyon WA	1.27	1.39	1.60	0.12	0.33
Mount Baldy WA	1.14	1.26	1.48	0.12	0.34
Gila WA	1.00	1.06	1.14	0.06	0.14
Sierra Ancha WA	1.22	1.30	1.47	0.08	0.25
Mesa Verde NP	1.21	1.30	1.49	0.09	0.28
Galiuro WA	0.62	0.65	0.69	0.03	0.07
Superstition WA	1.00	1.07	1.28	0.07	0.28
Saguaro NP	0.48	0.49	0.50	0.01	0.02
Pine Mountain WA	0.97	1.04	1.16	0.07	0.19
Cumulative	13.92	15.24	17.89	1.32	3.97
Average	1.07	1.17	1.38	0.10	0.31

B. BART Determination for Cholla Units 3 and 4

ADEQ's BART determination for Cholla Units 3 and 4 in the Cholla SIP Revision effectively replaces step 7 (select BART) of its prior BART analysis for NO_X BART for Cholla in the Arizona Regional Haze SIP. In making this determination, ADEQ compared the three emission control options (LNB and SOFA, SNCR with LNB and SOFA, SCR with LNB and SOFA). For Option 1, it found that the LNB and SOFA controls could be installed at reasonable cost-effectiveness and would deliver visibility improvements ranging from 0.48 to 1.61 dv over baseline conditions across thirteen Class I areas. For Option 2, it found the SNCR control option to be too costly in comparison to the small additional visibility benefits it would be expected to deliver. For Option 3, ADEQ noted that the visibility benefits of SCR (3.97 dv cumulative incremental visibility improvement) would only last until 2025 when coal firing would cease, after which the incremental benefits of SCR would be "negligible." Based on its analysis, ADEQ found Option 1 (LNB with SOFA) to be BART for NO_X at Cholla Units 3 and 4. The rolling 30-boiler-operating-day NO_X emission limits associated with this BART determination are 0.22 lb/MMbtu (effective until April 30, 2025), which reflects the use of coal, and 0.080 lb/MMbtu (effective May 1, 2025), which reflects the use of natural gas.

C. 110(l) Analysis

In addition to the BART re-analysis and determinations, the Cholla SIP Revision also includes a demonstration of "noninterference" under CAA section 110(l). In particular, ADEQ considered whether the Cholla SIP Revision would interfere with (1) any applicable requirement concerning attainment of any National Ambient Air Quality Standards (NAAQS) or (2) any other applicable requirement of the CAA.

1. Demonstration of Noninterference With NAAQS Attainment

ADEQ noted that Cholla is located in Navajo County, Arizona, which is currently designated as attainment or unclassifiable for the following NAAQS: Carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO_2), ozone (O_3) (2008 NAAQS), $PM_{2.5}$ (1997 and 2006 NAAQS), PM_{10}, and SO_2 (1971 NAAQS). ADEQ also noted that it has recommended an attainment/unclassifiable designation for this area for the 2012 $PM_{2.5}$ and 2010 SO_2 standards.

ADEQ's demonstration of noninterference with attainment focused on the NAAQS for PM_{10}, SO_2, NO_2, and O_3 because ambient levels of these pollutants are affected by emissions of PM_{10}, SO_2, and/or NO_X. Specifically, ADEQ analyzed emissions of PM_{10}, SO_2, and NO_X under the control strategies in the Cholla BART Reassessment, as compared with the existing control requirements in the applicable SIP and FIP. This assessment was conducted by considering revised emissions limits included in the Cholla SIP Revision, summarized in Table 5.

TABLE 5—EMISSION LIMITS FOR CHOLLA BART REASSESSMENT

Unit	Dates	Emission limit (lb/MMbtu)		
		NO$_X$	PM$_{10}$	SO$_2$
Unit 2	Unit shut down on April 1, 2016			
Unit 3	until April 30, 2025	0.22	0.015	0.15
	after April 30, 2025	0.08	0.01	0.0006
Unit 4	until April 30, 2025	0.22	0.015	0.15
	after April 30, 2025	0.08	0.01	0.0006

For its PM$_{10}$ analysis, ADEQ found that the emission control strategies in the Cholla BART Reassessment will result in greater PM$_{10}$ reductions than those in the Arizona Regional Haze SIP beginning in 2016 and continuing into the future, as shown in Table 6. Beginning in 2026, PM$_{10}$ emissions will be further reduced under the Cholla BART Reassessment, due to the 20 percent capacity factor limit and the more stringent emission limits (0.01 lb/MMBtu rather than 0.015 lb/MMBtu) that will apply after the switch to natural gas at Units 3 and 4. Therefore, ADEQ found that the Cholla SIP Revision will not interfere with attainment and maintenance of the PM$_{10}$ NAAQS.

TABLE 6—COMPARISON OF ANNUAL PM$_{10}$ EMISSIONS FOR 2011 ARIZONA SIP VS. CHOLLA BART REASSESSMENT

Time period	Unit No.	Annual PM$_{10}$ (tons per year (tpy))	
		2011 AZ SIP	Cholla SIP revision
2016	Unit 1	84	84
	Unit 2	[a]214	[b]78
	Unit 3	197	197
	Unit 4	269	269
	Total	764	628
2017–2025	Unit 1	84	84
	Unit 2	181	0
	Unit 3	197	197
	Unit 4	269	269
	Total	731	550
2026 forward	Unit 1	84	13
	Unit 2	181	0
	Unit 3	197	30
	Unit 4	269	39
	Total	731	82

[a] Based on compliance date of April 1, 2016 for emissions limit of 0.015 lb/MMBtu.

[b] Based on operation of Unit 2 until April 1, 2016.

ADEQ also compared SO$_2$ emission control strategies in the 2011 SIP with those in the Cholla BART Reassessment. As shown in Table 7, the control strategies in the Cholla BART Reassessment will result in greater SO$_2$ reductions than those in the 2011 SIP beginning in 2016 and continuing into the future. Therefore, ADEQ found that the emissions reductions achieved by the control strategy outlined in the Cholla SIP Revision will not interfere with attainment and maintenance of the SO$_2$ NAAQS.

TABLE 7—COMPARISON OF ANNUAL SO$_2$ EMISSIONS FOR 2011 ARIZONA SIP VS. CHOLLA BART REASSESSMENT

Time period	Unit No.	Annual SO$_2$ (tpy)	
		2011 AZ SIP	Cholla SIP revision
2016	Unit 1	844	844
	Unit 2	1,614	[a]452
	Unit 3	1,966	1,966
	Unit 4	2,688	2,688

TABLE 7—COMPARISON OF ANNUAL SO_2 EMISSIONS FOR 2011 ARIZONA SIP VS. CHOLLA BART REASSESSMENT—Continued

Time period	Unit No.	Annual SO_2 (tpy)	
		2011 AZ SIP	Cholla SIP revision
	Total	7,112	5,950
2017–2025	Unit 1	844	844
	Unit 2	1,614	0
	Unit 3	1,966	1,966
	Unit 4	2,688	2,688
	Total	7,112	5,498
2026 forward	Unit 1	844	1
	Unit 2	1,614	0
	Unit 3	1,966	2
	Unit 4	2,688	2
	Total	7,112	5

[a] Based on operation of Unit 2 until April 1, 2016.

ADEQ also analyzed the emission control strategies for NO_X in the Cholla BART Reassessment (Unit 2 shutdown and LNB/SOFA controls at Units 3 and 4 until conversion to natural gas by 2025 with a ≤20 percent annual average capacity factor) in comparison to the FIP, which requires the installation of SCR with LNB and SOFA at all units by December 5, 2017. As shown in Table 8, while the shutdown of Unit 2 results in lower NO_X emissions than the FIP for 2016, the Reassessment will allow for 4,161 tpy more NO_X emissions than the FIP between 2018 and 2025. However, after 2025, due to the conversion to natural gas, the Cholla BART Reassessment will result in greater annual NO_X emission reductions than the FIP. ADEQ found that, because there are no nonattainment or maintenance SIPs that rely on emission reductions at Cholla to ensure continued attainment of the NO_2 NAAQS and the Cholla BART Reassessment will result in NO_X emission reductions relative to the existing operating conditions of the facility, it will not interfere with attainment or maintenance of the current NO_2 NAAQS.

TABLE 8—COMPARISON OF NO_X ANNUAL EMISSIONS FOR FIP VS. CHOLLA BART REASSESSMENT

Time period	Unit No.	Annual NO_X (tpy)		
		EPA FIP	Cholla BART reassessment	Annual emission change (Cholla BART reassessment to EPA FIP)
2016	Unit 1	1,131	1,131	0
	Unit 2	3,601	[a] 900	−2,701
	Unit 3	2,766	2,766	0
	Unit 4	3,548	3,548	0
	Total	11,046	8,345	−2,701
2017	Unit 1	1,131	1,131	0
	Unit 2	3,601	0	−3,601
	Unit 3	2,766	2,766	0
	Unit 4	3,548	3,548	0
	Total	11,046	7,445	−3,601
2018–2025	Unit 1	1,131	1,131	0
	Unit 2	602	0	−602
	Unit 3	655	2,766	2,111
	Unit 4	896	3,548	2,652
	Total	3,284	7,445	4,161
2026 forward	Unit 1	1,131	105	−1,026
	Unit 2	602	0	−602
	Unit 3	655	244	−411
	Unit 4	896	308	−588

TABLE 8—COMPARISON OF NO_X ANNUAL EMISSIONS FOR FIP VS. CHOLLA BART REASSESSMENT—Continued

Time period	Unit No.	Annual NO_X (tpy)		
		EPA FIP	Cholla BART reassessment	Annual emission change (Cholla BART reassessment to EPA FIP)
	Total	3,284	657	−2,627

[a] Based on operation of Unit 2 until April 1, 2016.

Similarly, with regard to ozone, for which NO_X emissions are a precursor, ADEQ noted that there are no nonattainment or maintenance SIPs that rely on emission reductions at Cholla to ensure continued attainment of the NAAQS and that the Cholla BART Reassessment will result in greater long-term NO_X emission reductions than the existing FIP. Accordingly, ADEQ concluded that the Cholla BART Reassessment will not interfere with the attainment or maintenance of the 2008 ozone NAAQS.

2. Demonstration of Noninterference With Other CAA Requirements

With regards to the other applicable CAA requirements, ADEQ considered whether the Cholla BART Reassessment would interfere with (1) the requirements of the Regional Haze program or (2) the CAA's air toxics requirements.

In evaluating potential interference with the RHR, ADEQ relied primarily on the results of air quality modeling (using CALPUFF) performed by APS and PacifiCorp to assess the visibility impacts of Cholla under the Cholla SIP Revision compared to the existing SIP and FIP requirements.[15] These results, summarized in Table 9, show that, compared with the existing SIP and FIP requirements, the Cholla SIP Revision would result in less visibility improvement at all affected Class I areas between 2018 and 2025, but would result in greater improvement starting in 2026. Based on these results and taking into consideration the long-term goal of the Regional Haze Rule to achieve natural visibility conditions, ADEQ found that the BART Reassessment will not interfere with the requirements of the regional haze program.

TABLE 9—MODELED VISIBILITY IMPACTS OF CHOLLA

Class I Area	EPA FIP and existing SIP	SIP Revision BART (2018–2025)	SIP Revision BART (2026 forward)
	Visibility impacts (dv)	Visibility impacts (dv)	Visibility impacts (dv)
Petrified Forest NP	2.64	3.75	1.45
Grand Canyon NP	1.11	1.48	0.45
Capitol Reef NP	0.62	0.92	0.29
Mazatzal WA	0.75	0.83	0.30
Sycamore Canyon WA	0.73	0.94	0.29
Mount Baldy WA	0.69	0.87	0.28
Gila WA	0.46	0.47	0.17
Sierra Ancha WA	0.82	0.94	0.36
Mesa Verde NP	0.63	0.84	0.30
Galiuro WA	0.29	0.30	0.09
Superstition WA	0.73	0.88	0.30
Saguaro NP	0.20	0.19	0.05
Pine Mountain WA	0.51	0.58	0.17
Cumulative impacts	10.18	12.99	4.50

Concerning air toxics, ADEQ noted that in addition to ceasing operation of Unit 2, the Cholla facility proposes to implement sorbent injection at Units 1, 3, and 4 by March 2016 to reduce air toxics and achieve compliance with the EPA's Mercury and Air Toxics (MATS) rule. Therefore, ADEQ concluded that the Cholla BART Reassessment will not interfere with any air toxics requirements of the CAA.

D. Cholla Permit Revision

The Cholla Permit Revision, which is incorporated as Appendix A to the Cholla SIP Revision, was issued by ADEQ on October 16, 2015. The Permit Revision incorporates emission limits and compliance dates as well as monitoring, recordkeeping, and reporting requirements to implement both the Cholla BART Reassessment and ADEQ's prior BART determinations for SO_2 and PM_{10} at Cholla.

IV. The EPA's Evaluation of the Cholla SIP Revision

We have evaluated the Cholla SIP Revision for compliance with the requirements of the CAA, the RHR, and the BART Guidelines.[16] Our evaluation of each of the major components of the

---

[15] *Id.*

[16] CAA section 169A(b)(2) and 40 CFR 51.308(e)(1)(ii)(B) require that BART for each fossil-fuel fired generating power plant having a total generating capacity in excess of 750 megawatts be determined pursuant to the BART Guidelines. Cholla has a total generating capacity in excess of 750 megawatts, so the BART Guidelines are mandatory for the Cholla BART analysis and determination.

Cholla SIP Revision is summarized in the following sections.

A. The EPA's Evaluation of the Enforceable Retirement Provision for Cholla Unit 2

The Cholla Permit Revision requires Unit 2 to be permanently retired by no later than April 1, 2016.[17] This date coincides with the compliance deadlines for SO_2 and PM_{10} in the Arizona Regional Haze FIP and precedes the deadline for NO_X by over a year.[18] In fact, the unit was shut down on October 1, 2015.[19] If Unit 2 were not retired, APS would have been required to install additional controls to meet the SO_2 and PM_{10} limits in the SIP, as well as the NO_X limit in the FIP, which is achievable with SCR. The requirement for permanent retirement will become effective and federally enforceable when the Cholla SIP Revision is approved into the SIP and the FIP provisions applicable to Cholla are withdrawn.[20] Accordingly, we agree with ADEQ that no further analysis is required for Cholla Unit 2, and we propose to approve the requirement for permanent retirement as satisfying the requirements of the CAA and RHR for Cholla Unit 2.

B. The EPA's Evaluation of ADEQ's BART Analysis for Cholla Units 3 and 4

We find that ADEQ's BART analysis for Cholla Units 3 and 4 is consistent with the requirements of the CAA, RHR, and the BART Guidelines. In particular, we find that ADEQ's BART re-analysis addresses the flaws that were the basis for our disapproval of ADEQ's prior BART analysis for Cholla.[21]

With regard to the cost of compliance, in its previous BART analysis for Cholla, ADEQ included certain line item costs not allowed by the EPA Control Cost Manual (CCM),[22] such as owner's costs, surcharge, and Allowance for Funds Used During Construction (AFUDC).[23] This approach did not comply with BART Guidelines' direction that cost estimates should be based on the CCM. In the Cholla SIP revision, by contrast, ADEQ used the cost estimates that the EPA developed as part of the Regional Haze FIP,[24] which were calculated using the CCM methodology.[25]

We note that in May 2016, EPA revised the CCM chapter that concerns SCR systems.[26] The revised CCM recommends use of a 30-year equipment life for SCR systems,[27] whereas the previous version recommended a 20-year life.[28] As noted above, ADEQ used a 20-year remaining useful life in its cost calculations in the Cholla SIP Revision, which was consistent with the current CCM recommendation at the time of SIP submittal in October 2015. Given that the majority of other BART analyses, including the EPA's analysis for Cholla in the Arizona Regional Haze FIP,[29] have used a 20-year remaining useful life for SCR, we believe that this remains an appropriate assumption in this instance in order to ensure a consistent comparison with the cost estimates for SCR in other BART determinations. Nonetheless, we have also conducted an additional analysis to evaluate how use of a 30-year remaining useful life would affect the cost-effectiveness values for SCR at Cholla Units 3 and 4. We found that use of a 30-year remaining useful life would increase the average cost-effectiveness of SCR at Unit 3 from $6,286/ton to $7,864/ton and the "incremental" cost-effectiveness (as compared with LNB+SOFA) from $9,237/ton to $11,295/ton.[30] The average and "incremental" (as compared with LNB+SOFA) cost-effectiveness of SCR at Unit 4 would be increased from $6,810/ton to $8,401/ton and from $10,539 to $12,674, respectively.[31] Thus, if ADEQ had calculated the average and incremental cost-effectiveness of SCR based on a 30-year remaining useful life, it would have provided further support for ADEQ's determination that the incremental costs of compliance for SCR are not warranted by the incremental benefits.

With regard to visibility modeling, in its previous BART analysis for Cholla, ADEQ considered the benefits from controls on only one emitting unit at a time and overlooked significant benefits at multiple Class I areas, thereby understating the full visibility benefits of the candidate controls.[32] By contrast, in the Cholla SIP revision, ADEQ looked at the visibility impacts and potential improvements from all three BART-eligible units together and also considered impacts and potential improvements at all 13 Class I areas within 300 km of Cholla, based on modeling performed by APS and PacifiCorp.[33]

In considering the results of this modeling, it should be noted that the baseline scenario included emissions from Unit 2, but the control scenarios did not include any emissions from Unit 2. As a result, the total visibility improvement anticipated under each of the control scenarios represents not only the visibility benefits of controls on Units 3 and 4, but also the visibility benefits of the closure of Unit 2. We consider this to be a reasonable approach because it is consistent with the requirement of the BART Guidelines for states to consider the visibility improvement from controls applied to the entire BART-eligible source.[34] However, given that ADEQ is not making a BART determination for Unit 2 in this instance, we believe it is appropriate to also consider the visibility improvement expected to result from controls on Units 3 and 4 only. ADEQ's evaluation of the "incremental" visibility benefits of SNCR ("Option 2 over Option 1" in Table 4) and SCR ("Option 3 over Option 1" in Table 4) effectively excludes the benefits of the Unit 2 shutdown because Options 1, 2, and 3 all exclude emissions from Unit 2. Given that ADEQ relied heavily on these "incremental" visibility benefits in reaching its ultimate BART determination,[35] we find that ADEQ appropriately considered the visibility benefits of controls on Units 3 and 4 only, as well as the benefits of the Cholla BART Reassessment as a whole.

---

[17] Cholla Permit Revision section I.C.1.

[18] *See* 40 CFR 51.145(f)(4).

[19] Letter from Edward Seal, APS, to Kathleen Johnson, EPA, and Eric Massey, ADEQ (October 28, 2015).

[20] Cholla Permit Revision section I.A.

[21] *See* 77 FR 42840–42941 and 42849, 77 FR 72565–72566.

[22] EPA Air Pollution Control Cost Manual, available at *https://www3.epa.gov/ttn/ecas/cost_manual.html.*

[23] *See* 77 FR 42849.

[24] *See, e.g.,* Cholla SIP Revision, Appendix B, Table B–1, footnote (a).

[25] *See* 77 FR 42852.

[26] CCM (7th Edition), Section 4, Chapter 2—Selective Catalytic Reduction (May 2016), available at *https://www3.epa.gov/ttn/ecas/docs/SCRCostManualchapter7thEdition_2016.pdf.*

[27] *See id.* at 2–78 ("broadly speaking, a representative value of the equipment life for SCR at power plants can be considered as 30 years.")

[28] CCM (6th edition), Section 4.2, Chapter 2—Selective Catalytic Reduction (October 2000), available at *https://www3.epa.gov/ttn/ecas/docs/cs4-2ch2.pdf,* at 2–48 ("An economic lifetime of 20 years is assumed for the SCR system.")

[29] *See* 77 FR 42854.

[30] *See Cholla_SCR_costs (30 yr life).xlsx.*

[31] *Id.*

[32] *See* 77 FR 42849.

[33] *See, e.g.,* Cholla SIP Revision, Table 4 and 5.

[34] In particular, the BART Guidelines explain that, "[i]f the emissions from the list of emissions units at a stationary source exceed a potential to emit of 250 tons per year for any visibility-impairing pollutant, then that collection of emissions units is a BART-eligible source." 40 CFR part 51, appendix Y, section II.A.4. In other words, the BART-eligible source (the list of BART emissions units at a source) is the collection of units for which one must make a BART determination. The BART Guidelines also state "you must conduct a visibility improvement determination for the source(s) as part of the BART determination." *Id,* section IV.D.5. This requires consideration of the visibility improvement from BART applied to the BART-eligible source as a whole.

[35] *See* Cholla SIP Revision section 2.3.

We also note that ADEQ did not quantify the expected visibility benefits of SCR and SNCR on Units 3 and 4 after these units are converted to gas in 2025, but characterized these benefits as "negligible." In order to evaluate ADEQ's characterization, we scaled the modeled visibility benefits of SCR under the coal-fired scenario to roughly estimate what the benefits would be under the gas-fired scenario. The results of this scaling indicate that, under the gas-fired scenario, the approximate benefits of SNCR would be 0.07 dv at the most-improved Class I area and 0.31 dv cumulatively over all affected Class I areas, while the approximate benefits of SCR would be 0.15 dv at the most-improved Class I area and 0.77 dv cumulatively over all affected Class I areas.[36] Thus, the benefits of SNCR or SCR under the gas-fired scenario would be significantly less than under the coal-fired scenario, for which the expected "incremental" benefits over LNB+SOFA are 0.28 dv at the most-improved area and 1.32 dv cumulative for SNCR and 0.79 dv at the most-improved Class I area and 3.97 dv cumulative for SCR.

In the Cholla SIP Revision, ADEQ also appropriately accounted for the requirements that will apply to Units 3 and 4 as of 2025, *i.e.,* the permanent cessation of coal burning by April 30, 2025, with the option to convert to pipeline-quality natural gas and comply with a 20 percent annual average capacity factor limit by July 31, 2025. These new requirements significantly decrease the emission reductions achievable by SCR or SNCR beginning in 2025 and thus increase the average $/ton of both SCR and SNCR over the remaining useful life of the units, as shown in Tables 1 and 2 above. Similarly, these requirements limit the timeframe in which significant visibility benefits would result from either SCR or SNCR to less than eight years.

We note that ADEQ did diverge slightly from the BART Guidelines in its calculation of the incremental cost-effectiveness of SCR. In particular, ADEQ calculated the incremental cost, as well as incremental visibility benefits, based on a comparison between SCR with LNB+SOFA and LNB+SOFA only. This differs from the approach to calculating incremental cost-effectiveness that is set forth in the BART Guidelines, under which incremental cost-effectiveness is calculated by comparing "the costs and performance level of a control option *to those of the next most stringent option* . . . ."[37] In this case, SNCR with LNB+SOFA is the next most stringent option compared to SCR with LNB+SOFA. Had ADEQ compared SCR with LNB+SOFA to SNCR with LNB+SOFA, the incremental cost-effectiveness using a 20-year remaining useful life would have been $10,347/ton for Unit 3 and $12,295/ton for Unit 4,[38] rather than $9,237/ton for Unit 3 and $10,539/ton for Unit 4. Similarly, had ADEQ calculated the incremental visibility benefits of SCR with LNB+SOFA based on a comparison to SNCR with LNB+SOFA, the per area incremental benefits would have ranged from 0.01 dv to 0.51 dv, rather than 0.07 dv to 0.79 dv, and the cumulative incremental benefit would have been 2.65 dv rather than 3.97 dv.[39] Thus, if ADEQ had calculated the incremental costs and benefits of SCR in accordance with the BART Guidelines, it would have resulted in higher incremental cost-effectiveness values and lower incremental visibility benefits compared with the figures provided in the Cholla SIP Revision, which would provide further support for ADEQ's determination that the incremental costs of compliance for SCR are not warranted by the incremental benefits. Accordingly, in reviewing the reasonableness of ADEQ's re-analysis of BART for these units, we find that ADEQ's diversion from the BART Guidelines in this regard was of no consequence.

Based on our findings that the Cholla SIP Revision addresses the flaws that were the basis for our disapproval of ADEQ's prior BART analysis for Cholla and otherwise meets the requirements of the CAA, RHR, and the BART Guidelines, we propose to approve ADEQ's BART re-analysis for Cholla Units 3 and 4.

C. The EPA's Evaluation of ADEQ's BART Determination for Cholla Units 3 and 4

We also find that ADEQ's BART determination for NO_X at Cholla Units 3 and 4 is consistent with the requirements of the CAA, RHR, and the BART Guidelines. In particular, we find that ADEQ appropriately considered and weighed the five BART factors in relation to the available control options and reached a reasonable BART determination based on its consideration of the factors.

With regard to SCR, we find that it was reasonable for ADEQ to conclude that the costs of SCR were not warranted by the visibility benefits in this instance. In particular, with regard to costs, we are not aware of any instance in which the EPA has determined SCR to be BART where the average cost-effectiveness of SCR was greater than $6,000/ton and the incremental cost-effectiveness (calculated in accordance with the BART Guidelines) was greater than $10,000/ton, as is the case with Cholla Units 3 and 4. Similarly, we are not aware of any instance in which the EPA has disapproved a state's BART determination that rejected SCR as BART based on similar cost-effectiveness values. Furthermore, while the total visibility benefits of the SCR-based control scenario ("BART Option 3") are large (2.20 dv at the most improved area and 17.89 dv cumulative across all affected areas), as noted in the previous section, these benefits include not only the effect of SCR installation on Units 3 and 4, but also the retirement of Unit 2. Thus, we believe it was appropriate for ADEQ to focus primarily on what it characterized as the "incremental" visibility benefits, *i.e.,* the relative degree of visibility improvement expected under Option 3 (Unit 2 retired and SCR with LNB+SOFA on Units 3 and 4) compared with Option 1 (Unit 2 retired and LNB+SOFA on Units 3 and 4), which were 0.07 dv to 0.79 dv per area and 3.97 dv cumulative.[40] While these benefits are significant, we believe it was reasonable for ADEQ to determine that the benefits were not warranted in light of the high costs of SCR and the fact that benefits of this magnitude would only last for approximately eight years, after which the benefits of SCR would be far less (roughly 0.15 dv at the most-improved Class I area and 0.77 dv cumulatively over all affected Class I areas).

With regard to SNCR, we find that it was reasonable for ADEQ to conclude that the costs of SNCR were not warranted by the visibility benefits. In particular, with regard to costs, we are not aware of any instance in which the EPA has determined SNCR to be BART where the average cost-effectiveness of SNCR was greater than $3,000/ton and the incremental cost-effectiveness was roughly $7,000/ton, as is the case with Cholla Units 3 and 4. Similarly, we are not aware of any instance in which the EPA has disapproved a state's BART determination that rejected SNCR as BART based on similar cost-effectiveness values. Furthermore, while the total visibility benefits of the SNCR-based control scenario (''BART Option 2'') are large (1.78 dv at the most improved area and 15.24 dv cumulative across all affected areas), as noted above, these benefits include not only the effect of SNCR installation on Units 3 and 4, but also the retirement of Unit 2. Thus, we believe it was appropriate for ADEQ to focus primarily on incremental visibility benefits, *i.e.*, the relative degree of visibility improvement expected under Option 2 (Unit 2 retired and SNCR with LNB+SOFA on Units 3 and 4) compared with Option 1 (Unit 2 retired and LNB+SOFA on Units 3 and 4), which were 0.01 dv to 0.28 dv per area and 1.32 dv cumulative. While these benefits are not insignificant, we believe it was reasonable for ADEQ to determine that the benefits were not warranted in light of the relatively high costs of SNCR and the fact that benefits of this magnitude would only last for approximately eight years, after which the benefits of SNCR would be far less (roughly 0.07 dv at the most-improved Class I area and 0.31 dv cumulatively over all affected Class I areas).

---

[36] *See Cholla_SCR_vs_NG rev2.xlsx.*

[37] 40 CFR part 51 appendix Y, section IV.D.4.e (emphasis added). The BART Guidelines do not specify a method for calculating incremental visibility benefits. We consider it appropriate to calculate these benefits in the same manner as incremental costs, *i.e.* by comparing the expected benefits of a control option to those of the next most stringent option.

[38] Cholla Units 3 and 4 Incremental Costs and Benefits.xlsx.

[39] *Id.*

[40] As described in the previous section, if ADEQ had calculated the incremental benefits of SCR in accordance with the BART Guidelines, the per area incremental benefits would have ranged from 0.01 dv to 0.51 dv, and the cumulative incremental benefit would have been 2.65 dv.

Therefore, we propose to approve ADEQ's determination that BART for NO_X at Cholla Units 3 and 4 consists of LNB+SOFA with associated emission limits of 0.22 lb/MMbtu (rolling 30-boiler-operating-day average) for each unit. As explained above, these emission limits will remain in effect until April 30, 2025, at which point both units will be permanently retired or converted to natural gas with NO_X emission limits of 0.08 lb/MMBtu (rolling 30-boiler-operating-day average).

D. The EPA's Evaluation Under CAA Section 110(l)

CAA section 110(l) requires that any revision to an implementation plan shall not be approved by the EPA Administrator if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (RFP) or any other applicable requirement of the Act.[41] In evaluating whether the Cholla SIP Revision would interfere with any CAA requirements, we note that overall, the Cholla SIP Revision will result in reduced emissions of both SO_2 and PM_{10} compared to the existing SIP and FIP requirements beginning in 2016 (see Tables 6 and 7 above) due to the retirement of Unit 2. While the Cholla SIP Revision will require fewer NO_X reductions than the FIP between 2018 and 2025, it will ensure that NO_X emissions remain at or below current levels (*i.e.*, levels consistent with non-operation of Unit 2[42] and operation of LNB and SOFA on Units 1, 3 and 4) until 2025, after which it will require a substantial reduction in NO_X emissions compared to both current levels and the FIP (see Table 8 above).

With regard to applicable requirements concerning attainment and RFP, as explained by ADEQ, Cholla is located in north central Navajo County, Arizona, which is designated as unclassifiable/attainment for all of the NAAQS for which the EPA has issued designations.[43] ADEQ also indicated that it has recommended an attainment/unclassifiable designation for this area for the 2012 $PM_{2.5}$ and 2010 SO_2 standards. With regard to the 2012 $PM_{2.5}$ standard, the EPA has finalized a designation of unclassifiable/attainment for Navajo County.[44] With regard to the 2010 SO_2 standard, we note that, under the EPA's Data Requirements Rule,[45] ADEQ is required to develop and submit air quality data characterizing ambient concentrations of SO_2 in the area around Cholla.[46] The EPA will take these data into consideration in finalizing a designation for the area. Finally, we note that, on October 1, 2015, the EPA promulgated revised primary and secondary ozone NAAQS.[47] State designation recommendations for the 2015 ozone NAAQS are due to the EPA by October 1, 2016.[48]

In summary, Cholla is located in area that is designated unclassifiable/attainment or has not yet been designated for each of the current NAAQS. Thus, the Arizona SIP does not currently rely on emission limitations at Cholla to satisfy any attainment or RFP requirements. Given that the Cholla SIP Revision will result in equivalent or lower emissions of NO_X, PM_{10} and SO_2 for all future years, compared to current emission levels, in an area that is designated unclassifiable/attainment or has not yet been designated for all NAAQS, we propose to find that the Cholla SIP Revision would not interfere with any applicable requirements concerning attainment or RFP.

The other requirements of the CAA that apply to Cholla are:

- Standards of Performance for New Stationary Sources (NSPS), 40 CFR part 60, subpart D;
- National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR part 63, subpart UUUUU (also known as MATS);
- Compliance Assurance Monitoring (CAM), 40 CFR part 64; and
- BART and other visibility protection requirements under CAA section 169A and the RHR.

The Cholla SIP Revision would not affect the applicable NESHAP, NSPS and CAM requirements. Therefore, we propose to find that the Cholla SIP Revision would not interfere with the applicable NESHAP, NSPS and CAM requirements.

We also propose to find that Cholla SIP Revision would not interfere with the visibility protection requirements of the CAA and the RHR. Our proposed approval of the BART Reassessment is based on our determination that, taking into consideration the differences in the facts underlying the EPA's prior BART analysis for NO_X in Arizona Regional Haze FIP and the Cholla BART Reassessment, ADEQ's revised BART analysis and determination for Cholla meet the BART requirements of the CAA and RHR. Furthermore, the Cholla SIP Revision would result in greater visibility improvement than the existing SIP and FIP requirements beginning in 2026, which is consistent with the long-term national goal of restoring natural visibility conditions at Class I areas. Thus, we propose to find that the Cholla SIP Revision would not interfere with the visibility protection requirements of the CAA.

E. The EPA's Evaluation of Enforceable Emission Limits

CAA section 110(a)(2)(A) requires SIPs to include enforceable emission limitations as necessary or appropriate to meet the applicable requirements of the Act. In addition, SIPs must contain regulatory requirements related to monitoring, recordkeeping, and reporting for applicable emission limitations.[49] The Cholla Permit Revision includes such enforceable emission limits, as well as associated monitoring, recordkeeping, and reporting requirements, for all units and pollutants. These requirements will become effective and federally enforceable when the Cholla SIP Revision is approved into the SIP and the FIP provisions applicable to Cholla are withdrawn.[50] Therefore, we propose to find that the Cholla SIP Revision meets the requirements of the CAA and the EPA's implementing regulations for enforceable emission limitations.

---

[41] CAA Section 110(l), 42 U.S.C. 7410(l).

[42] As shown in Table 8, ADEQ projected that total NO_X emissions at Cholla Unit 2 would be 900 tpy in 2016, based on a Unit 2 shutdown date of April 1, 2016. Because Unit 2 was retired in October 2015, 2016 emissions from Unit 2 will actually be zero, so we anticipate the total NO_X emissions from the facility will be roughly 7,445 tpy for all years between 2016 and 2025.

[43] Cholla SIP Revision, pages 12–13, Table 7.

[44] *See* 40 CFR 81.303.

[45] 40 CFR part 51, subpart BB.

[46] *See* Letter from Eric Massey, ADEQ, to Doris Lo, EPA (January 13, 2016).

[47] 80 FR 65292 (October 26, 2015).

[48] *Id.* at 65438.

[49] *See, e.g.*, CAA section 110(a)(2)(F) and 40 CFR 51.212(c).

V. Proposed Action

For the reasons described above, the EPA proposes to approve the Cholla SIP Revision. Because this approval would fill the gap in the Arizona Regional Haze SIP left by the EPA's prior partial disapproval with respect to Cholla, we propose to withdraw the provisions of the Arizona Regional Haze FIP that apply to Cholla. We also propose to find that withdrawal of the FIP would constitute our action on APS's and PacifiCorp's petitions for reconsideration of the Arizona Regional Haze FIP.

VI. Environmental Justice Considerations

As shown in Tables 6 and 7, the Cholla SIP Revision will result in reduced emissions of both SO_2 and PM_{10} compared to the existing SIP and FIP requirements beginning in 2016. As shown in Table 8, while the Cholla SIP Revision will result in fewer NO_X reductions than the FIP between 2018 and 2025, it will ensure that NO_X emissions remain at or below current levels until 2025, after which it will require a substantial reduction in NO_X emissions compared to both current levels and to the existing Arizona Regional Haze FIP. Therefore, the EPA believes that this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income, or indigenous populations.

VII. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule, regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference "Significant Permit Revision No. 61713 to Operating Permit No. 53399" issued by ADEQ on October 16, 2015. The EPA has made, and will continue to make, this document available electronically through *www.regulations.gov* and in hard copy at U.S. Environmental Protection Agency Region IX, Air-2, 75 Hawthorne Street, San Francisco, CA, 94105–3901.

VIII. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review. This rule applies to only one facility and is therefore not a rule of general applicability.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. This rule applies to only one facility. Therefore, its recordkeeping and reporting provisions do not constitute a "collection of information" as defined under 44 U.S.C. 3502(3) and 5 CFR 1320.3(c).

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities. This action will not impose any requirements on small entities. Firms primarily engaged in the generation, transmission, and/or distribution of electric energy for sale are small if, including affiliates, the total electric output for the preceding fiscal year did not exceed 4 million megawatt hours. Both owners of Cholla, APS and PacifiCorp, exceed this threshold.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on any Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets EO 13045 as applying only to those regulatory actions that concern health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of "covered regulatory action" in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards. The EPA is not revising any technical standards or imposing any new technical standards in this action.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income, or indigenous populations. The results of this evaluation are contained in section VI above.

K. Determination Under Section 307(d)

Pursuant to CAA section 307(d)(1)(B), the EPA proposes to determine that this action is subject to the provisions of section 307(d). Section 307(d) establishes procedural requirements specific to certain rulemaking actions under the CAA. Pursuant to CAA section 307(d)(1)(B), the withdrawal of the provisions of the Arizona Regional Haze FIP that apply to Cholla is subject to the requirements of CAA section 307(d), as it constitutes a revision to a FIP under CAA section 110(c). Furthermore, CAA section 307(d)(1)(V) provides that the provisions of section

---

[50] Cholla Permit Revision section I.A.

307(d) apply to "such other actions as the Administrator may determine." The EPA proposes that the provisions of 307(d) apply to the EPA's action on the Cholla SIP revision.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Visibility.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: June 30, 2016.

Deborah Jordan,

Acting Regional Administrator, EPA Region IX.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart D—Arizona

■ 2. In § 52.145, revise paragraphs (f)(1), (2), (3), (4), (5), and (10) to read as follows:

§ 52.145 Visibility protection.

* * * * *

(f) * * *

(1) *Applicability.* This paragraph (f) applies to each owner/operator of the following coal-fired electricity generating units (EGUs) in the state of Arizona: Coronado Generating Station, Units 1 and 2. The provisions of this paragraph (f) are severable, and if any provision of this paragraph (f), or the application of any provision of this paragraph (f) to any owner/operator or circumstance, is held invalid, the application of such provision to other owner/operators and other circumstances, and the remainder of this paragraph (f), shall not be affected thereby.

(2) *Definitions.* Terms not defined below shall have the meaning given to them in the Clean Air Act or EPA's regulations implementing the Clean Air Act. For purposes of this paragraph (f):

ADEQ means the Arizona Department of Environmental Quality.

Boiler-operating day means a 24-hour period between 12 midnight and the following midnight during which any fuel is combusted at any time in the unit.

Coal-fired unit means any of the EGUs identified in paragraph (f)(1) of this section.

Continuous emission monitoring system or CEMS means the equipment required by 40 CFR part 75 and this paragraph (f).

Emissions limitation or emissions limit means any of the Federal Emission Limitations required by this paragraph (f) or any of the applicable PM_{10} and SO_2 emissions limits for Coronado Generating Station submitted to EPA as part of the Arizona Regional Haze SIP in a letter dated February 28, 2011, and approved into the Arizona State Implementation Plan on December 5, 2012.

Flue Gas Desulfurization System or FGD means a pollution control device that employs flue gas desulfurization technology, including an absorber utilizing lime, fly ash, or limestone slurry, for the reduction of sulfur dioxide emissions.

lb means pound(s).

NO_X means nitrogen oxides expressed as nitrogen dioxide (NO_2).

Owner(s)/operator(s) means any person(s) who own(s) or who operate(s), control(s), or supervise(s) one or more of the units identified in paragraph (f)(1) of this section.

MMBtu means million British thermal unit(s).

Operating hour means any hour that fossil fuel is fired in the unit.

PM_{10} means filterable total particulate matter less than 10 microns and the condensable material in the impingers as measured by Methods 201A and 202 in 40 CFR part 51, appendix M.

Regional Administrator means the Regional Administrator of EPA Region IX or his/her authorized representative.

SO_2 means sulfur dioxide.

SO_2 removal efficiency means the quantity of SO_2 removed as calculated by the procedure in paragraph (f)(5)(iii)(B) of this section.

Unit means any of the EGUs identified in paragraph (f)(1) of this section.

Valid data means data recorded when the CEMS is not out-of-control as defined by 40 CFR part 75.

(3) *Federal emission limitations*—(i) *NO_X emission limitations.* The owner/operator of each coal-fired unit subject to this paragraph (f) shall not emit or cause to be emitted NO_X in excess of the following limitations, in pounds per million British thermal units (lb/MMBtu) from any coal-fired unit or group of coal-fired units. Each emission limit shall be based on a rolling 30-boiler-operating-day average, unless otherwise indicated in specific paragraphs.

Coal fired unit or group of coal-fired units	Federal emission limitation
Coronado Generating Station Unit 1	0.065
Coronado Generating Station Unit 2	0.080

(ii) [Reserved]

(4) *Compliance dates.* (i) The owners/operators of each unit subject to this paragraph (f) shall comply with the NO_X *emissions limitations and other NO_X*-related requirements of this paragraph (f) no later than December 5, 2017.

(ii) The owners/operators of each unit subject to this paragraph (f) shall comply with the applicable PM_{10} and SO_2 emissions limits submitted to EPA as part of the Arizona Regional Haze SIP in a letter dated February 28, 2011, and approved into the Arizona State Implementation Plan on December 5, 2012, as well as the related compliance, recordkeeping and reporting of this paragraph (f) no later than June 3, 2013.

(5) *Compliance determinations for NO_X and SO_2*—(i) *Continuous emission monitoring system.*

(A) At all times after the compliance date specified in paragraph (f)(4) of this section, the owner/operator of each coal-fired unit shall maintain, calibrate, and operate a CEMS, in full compliance with the requirements found at 40 CFR part 75, to accurately measure SO_2, NO_X, diluent, and stack gas volumetric flow rate from each unit. In addition, the owner/operator of Cholla Units 2, 3, and 4 shall calibrate, maintain, and operate a CEMS, in full compliance with the requirements found at 40 CFR part 75, to accurately measure SO_2 emissions and diluent at the inlet of the sulfur dioxide control device. All valid CEMS hourly data shall be used to determine compliance with the emission limitations for NO_X and SO_2 in paragraph (f)(3) of this section for each unit. When the CEMS is out-of-control as defined by 40 CFR part 75, that CEMs data shall be treated as missing data, and not used to calculate the emission average. Each required CEMS must obtain valid data for at least 90 percent of the unit operating hours, on an annual basis.

(B) The owner/operator of each unit shall comply with the quality assurance procedures for CEMS found in 40 CFR part 75. In addition to these 40 CFR part 75 requirements, relative accuracy test audits shall be calculated for both the NO_X and SO_2 pounds per hour measurement and the heat input measurement. The CEMs monitoring data shall not be bias adjusted. The inlet SO_2 and diluent monitors required by this rule shall also meet the Quality Assurance/Quality Control (QA/QC) requirements of 40 CFR part 75. The testing and evaluation of the inlet monitors and the calculations of relative accuracy for lb/hr of NO_X, SO_2 and heat input shall be performed each time the 40 CFR part 75 CEMS undergo relative accuracy testing.

(ii) *Compliance determinations for NO_X.*

(A) [Reserved]

(B) *Coronado Generating Station.* Compliance with the NO_X emission limits for Coronado Unit 1 and Coronado Unit 2 in paragraph (f)(3)(i) of this section shall be determined on a rolling 30 boiler-operating-day basis. The 30-boiler-operating-day rolling NO_X emission rate for each unit shall be calculated in accordance with the following procedure: Step one, sum the total pounds of NO_X emitted from the unit during the current boiler operating day and the previous twenty-nine (29) boiler operating days; Step two, sum the total heat input to the unit in MMBtu during the current boiler operating day and the previous twenty-nine (29) boiler operating days; Step three, divide the total number of pounds of NO_X emitted from that unit during the thirty (30) boiler operating days by the total heat input to the unit during the thirty (30) boiler operating days. A new 30-boiler-operating-day rolling average NO_X emission rate shall be calculated for each new boiler operating day. Each 30-boiler-operating-day average NO_X emission rate shall include all emissions that occur during all periods within any boiler operating day, including emissions from startup, shutdown, and malfunction.

(C) If a valid NO_X pounds per hour or heat input is not available for any hour for a unit, that heat input and NO_X pounds per hour shall not be used in the calculation of the 30-day rolling average.

(iii) *Compliance determinations for SO_2.* (A) The 30-day rolling average SO_2 emission rate for each coal-fired unit shall be calculated in accordance with the following procedure: Step one, sum the total pounds of SO_2 emitted from the unit during the current boiler-operating day and the previous twenty-nine (29) boiler-operating days; step two, sum the total heat input to the unit in MMBtu during the current boiler-operating day and the previous twenty-nine (29) boiler-operating day; and step three, divide the total number of pounds of SO_2 emitted during the thirty (30) boiler-operating days by the total heat input during the thirty (30) boiler-operating days. A new 30-day rolling average SO_2 emission rate shall be calculated for each new boiler-operating day. Each 30-day rolling average SO_2 emission rate shall include all emissions and all heat input that occur during all periods within any boiler-operating day, including emissions from startup, shutdown, and malfunction.

(B) [Reserved]

(C) If a valid SO_2 pounds per hour at the outlet of the FGD system or heat input is not available for any hour for a unit, that heat input and SO_2 pounds per hour shall not be used in the calculation of the 30-day rolling average.

(D) If both a valid inlet and outlet SO_2 lb/MMBtu and an outlet value of lb/hr of SO_2 are not available for any hour, that hour shall not be included in the efficiency calculation.

* * * * *

(10) *Equipment operations.*

(i) [Reserved]

(ii) *Coronado Generating Station.* At all times, including periods of startup, shutdown, and malfunction, the owner or operator of Coronado Generating Station Unit 1 and Unit 2 shall, to the extent practicable, maintain and operate each unit in a manner consistent with good air pollution control practices for minimizing emissions. The owner or operator shall continuously operate pollution control equipment at all times the unit it serves is in operation, and operate pollution control equipment in a manner consistent with technological limitations, manufacturer's specifications, and good engineering and good air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Regional Administrator which may include, but is not limited to, monitoring results, review of operating and maintenance procedures, and inspection of each unit.

* * * * *

[FR Doc. 2016–16959 Filed 7–18–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2016–0221; FRL–9948–88–Region 8]

Approval and Promulgation of State Implementation Plan Revisions to Permits, Rules and Approval Orders; Utah

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve State Implementation Plan (SIP) revisions submitted by the State of Utah on February 10, 2012 and August 29, 2014. These submittals request SIP revisions to remove changes to the major source baseline date that were disapproved by the EPA on July 15, 2011. The submittals also address the EPA's February 6, 2014 disapproval of several permit rules related to the public availability of good engineering practice stack height demonstrations in the public comment process for an approval order, and the process for making emission reductions enforceable in an approval order. The EPA is taking this action in accordance with section 110 of the Clean Air Act (CAA).

DATES: Written comments must be received on or before August 18, 2016.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2016–0221, at *http://www.regulations.gov*. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.,) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Jody Ostendorf, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–7814, *ostendorf.jody@epa.gov*.

Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the Utah rules described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and/or at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

SUPPLEMENTARY INFORMATION:

In the "Rules and Regulations" section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule.

If the EPA receives no adverse comments, the EPA will not take further action on this proposed rule. If the EPA receives adverse comments, the EPA will withdraw the direct final rule and it will not take effect. The EPA will address all public comments in a subsequent final rule based on this proposed rule.

The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the **ADDRESSES** section of this notice.

Please note that if the EPA receives adverse comment on a distinct provision of this rule and if that provision may be severed from the remainder of the rule, the EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations Section of this **Federal Register**.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: June 22, 2016.

Shaun L. McGrath,

Regional Administrator, Region 8.

[FR Doc. 2016–16960 Filed 7–18–16; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2014–0909; FRL–9949–15–Region 1]

Air Plan Approval; New Hampshire; Regional Haze 5-Year Report

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of New Hampshire on December 16, 2014. New Hampshire's SIP revision addresses requirements of the Clean Air Act (CAA) and EPA's rules that require states to submit periodic reports describing progress toward reasonable progress goals (RPGs) established for regional haze and a determination of the adequacy of the State's existing Regional Haze SIP. In addition, the December 16, 2014 submittal includes a revised regulation that reduces the total suspended particulate (TSP) emission limit for the State's sole Tangential-Firing, Dry-Bottom Boiler.

DATES: Written comments must be received on or before August 18, 2016.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R01–OAR–2014–0909 at *http://www.regulations.gov*, or via email to *arnold.anne@epa.gov*. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the "For Further Information Contact" section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Anne McWilliams, Air Quality Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square—Suite 100, (Mail Code OEP05–02), Boston, MA 02109—3912, telephone number (617) 918–1697, fax number (617) 918–0697, email *mcwilliams.anne@epa.gov*.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever "we," "us," or "our" is used, we mean EPA.

Organization of this document. The following outline is provided to aid in locating information in this preamble.

I. Background
II. Requirements for Regional Haze 5-Year Progress Report SIPs and Adequacy Determinations
III. EPA's Evaluation of New Hampshire's SIP Revision
  A. Regional Haze Progress Report
  B. Determination of Adequacy of Existing Regional Haze Plan
  C. Revised Env–A 2302.02 Emission Standards Applicable to Tangential-Firing, Dry-Bottom Boilers
IV. Proposed Action
V. Incorporation by Reference
VI. Statutory and Executive Order Reviews

I. Background

States are required to submit a progress report in the form of a SIP revision every five years that evaluates progress towards the RPGs for each mandatory Class I Federal area[1] (Class I area) within the state and in each Class I area outside the state which may be affected by emissions from within the state. *See* 40 CFR 51.308(g). In addition, the provisions under 40 CFR 51.308(h) require states to submit, at the same time as the 40 CFR 51.308(g) progress report, a determination of the adequacy of the state's existing Regional Haze SIP. The first progress report SIP is due five years after submittal of the initial Regional Haze SIP. On January 29, 2010, the New Hampshire Department of Environmental Services (NH DES) submitted the State's first Regional Haze SIP in accordance with 40 CFR 51.308.[2]

On December 16, 2014, NH DES submitted a revision to the New Hampshire SIP detailing the progress made in the first planning period toward implementation of the Long Term Strategy (LTS) outlined in the 2010 Regional Haze SIP submittal, the visibility improvement measured at the State's Class I areas, and a determination of the adequacy of the State's existing Regional Haze SIP. EPA is proposing to approve New Hampshire's December 16, 2014 SIP revision on the basis that it satisfies the requirements of 40 CFR 51.308(g) and (h).

---

[1] Areas designated as mandatory Class I Federal areas consist of national parks exceeding 6000 acres, wilderness areas and national memorial parks exceeding 5000 acres, and all international parks that were in existence on August 7, 1977 (42 U.S.C. 7472(a)).

[2] On August 22, 2012, EPA approved New Hampshire's Regional Haze SIP submittal addressing the requirements of the first implementation period for regional haze. See 77 FR 50602.

II. Requirements for Regional Haze 5-Year Progress Report SIPs and Adequacy Determinations

Under 40 CFR 51.308(g), States must submit a regional haze progress report as a SIP revision every five years and must address the seven elements found in 40 CFR 51.308(g). As described in further detail in section III of this proposed rulemaking, 40 CFR 51.308(g) requires: (1) A description of the status of measures in the approved Regional Haze SIP; (2) a summary of emissions reductions achieved; (3) an assessment of visibility conditions for each Class I area in the state; (4) an analysis of changes in emissions from sources and activities within the state; (5) an assessment of any significant changes in anthropogenic emissions within or outside the state that have limited or impeded progress in Class I areas impacted by the state's sources; (6) an assessment of the sufficiency of the approved Regional Haze SIP; and (7) a review of the state's visibility monitoring strategy.

Under 40 CFR 51.308(h), states are required to submit, at the same time as the progress report SIP, a determination of the adequacy of their existing Regional Haze SIP and to take one of the following four possible actions based on information in the progress report: (1) Submit a negative declaration to EPA that no further substantive revision to the state's existing Regional Haze SIP is needed; (2) provide notification to EPA (and other state(s) that participated in the regional planning process) if the state determines that the existing Regional Haze SIP is, or may be, inadequate to ensure reasonable progress at one or more Class I areas due to emissions from sources in other state(s) that participated in the regional haze planning process, and collaborated with these other state(s) to develop additional strategies to address deficiencies; (3) provide notification with supporting information to EPA if the state determines that its existing Regional Haze SIP is, or may be, inadequate to ensure reasonable progress at one or more Class I areas due to emissions from sources in another county; or (4) revise its Regional Haze SIP to address deficiencies within one year if the state determines that its existing Regional Haze SIP is or may be inadequate to ensure reasonable progress in one or more Class I areas due to emission from sources within the state.

III. EPA's Evaluation of New Hampshire's SIP Revision

On December 14, 2014, New Hampshire submitted the "Regional Haze 5-Year Progress Report" (Progress Report) to EPA as a SIP revision.

New Hampshire has two Class I areas within its borders: Great Gulf Wilderness Area (Great Gulf) and Presidential Range-Dry River Wilderness Area (Dry River), both located within the White Mountains National Forest. Emissions from New Hampshire's sources were also found to impact visibility at one nearby Class I area, Acadia National Park in Maine (Acadia). *See* 77 FR 11809 (February 28, 2012).

Through the consultation process, New Hampshire agreed to pursue the coordinated course of action agreed to by the Mid-Atlantic/Northeast Visibility Union (MANE–VU)[3] to assure reasonable progress toward preventing any future, and remedying any existing, impairment of visibility in the mandatory Class I areas within the MANE–VU region. These measures are: Implementation of best available retrofit technology (BART) requirements; a low-sulfur fuel oil strategy; a targeted electricity generating unit (EGU) strategy; and continued evaluation of other control measures.[4] While New Hampshire did not adopt a low-sulfur fuel oil strategy for implementation during the first regional haze planning period, the State showed in its 2010 Regional Haze SIP that equivalent emission reductions were achieved through alternate measures such as recent fuel switching at a coal-fired power plant in the state (*i.e.*, Schiller Station) and facility shutdowns.

A. Regional Haze Progress Report

This section summarizes each of the seven elements that must be addressed by the progress report under 40 CFR 51.308(g), and describes how New Hampshire's progress report SIP addresses each element. This section also includes EPA's analysis of New Hampshire's SIP, and our proposed determination as to whether the State satisfied each element.

The provisions in 40 CFR 51.308(g)(1) require a description of the status of implementation of all measures included in the Regional Haze SIP for achieving RPGs for Class I areas both within and outside the state. New Hampshire's 2010 Regional Haze SIP RPGs are based on: Control measures for the State's two subject-to-BART sources; control measures for one additional EGU stack; and sulfur dioxide (SO_2) emission reductions from States found to be contributing to the visibility impairment at the New Hampshire Class I areas. New Hampshire's two subject-to-BART sources are Eversource Energy (formally Public Service of New Hampshire (PSNH)) Merrimack Station Unit MK2 and Eversource Energy (formally PSNH) Newington Unit NT1. Along with the two subject-to-BART units, Eversource Energy Merrimack Station Unit MK1 was identified as among the top 167 EGUs contributing to visibility impairment. New Hampshire's 2010 Regional Haze SIP included control measures for these three units. The 2014 Progress Report confirms the installation and use of flue gas desulfurization (FGD) for Merrimack Station Units MK1 and MK2; the implementation of a more stringent SO_2 emission limit for Newington Station; and the implementation of more stringent emission limits for the existing oxides of nitrogen (NO_X) and particulate emission control technologies in use at Merrimack and Newington Stations.

In addition, the New Hampshire 2014 Progress Report also includes the status of SO_2 emission reductions from the identified top 167 EGUs outside of New Hampshire.[5] The MANE–VU targeted EGU strategy called for a 90% SO_2 reduction from the top contributing stacks by 2018. New Hampshire reports SO_2 scrubbers have already been placed on many of the 167 targeted EGUs, while other units have seen lower utilization or have been shut down entirely.

EPA proposes that New Hampshire's analysis adequately addresses the provisions under 40 CFR 51.308(g)(1). The State demonstrates the implementation of measures within the State, including BART and targeted SO_2 reductions from New Hampshire's three in-state units that were part of the contributing 167 stacks. In addition, the Progress Report documents the status of requested SO_2 reductions from the remaining top 167 stacks outside of New Hampshire.

---

[3] MANE–VU is a collaborative effort of State governments, Tribal governments, and various federal agencies established to initiate and coordinate activities associated with the management of regional haze, visibility and other air quality issues in the Northeastern United States. Member State and Tribal governments include: Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Penobscot Indian Nation, Rhode Island, and Vermont.

[4] The MANE–VU "Ask" was structured around the finding that SO_2 emissions were the dominate visibility impairing pollutant at the Northeastern Class I areas and electrical generating units comprised the largest SO_2 emission sector. See "Regional Haze and Visibility in the Northeast and Mid-Atlantic States," January 31, 2001.

[5] Memorandum from NESCAUM to MANE–VU "Overview of State and Federal Actions Relative to MANE–VU Asks" dated March 28, 2013. *http://www.nescaum.org/documents/summary-memo-mane-vu-asks-20130328-final.pdf/*.

The provision under 40 CFR 51.308(g)(2) requires a summary of the emission reductions achieved in the state through the measures subject to the requirements under 40 CFR 51.308(g)(1). During the development of the Regional Haze SIP for the first planning period, MANE–VU and New Hampshire determined that SO_2 was the greatest contributor to anthropogenic visibility impairment at the State's Class I areas. Therefore, the bulk of visibility improvement achieved in the first planning period was expected to result from reductions in SO_2 emissions from sources inside and outside of the State. Table 6–1 of the 2014 Progress Report details the SO_2 emission reduction from the 2002 New Hampshire Regional Haze SIP baseline to 2013 for not only the targeted Merrimack Station Units MK1 and MK2 and Newington Unit NT1, but all New Hampshire EGUs.[6] The targeted EGU units subject to control through the installation of BART and New Hampshire's LTS show an emission reduction from 35,882 tons SO_2 in 2002 to 1,729 tons SO_2 in 2013, a reduction of 95%. NO_X emissions from these same sources were reduced from 4,776 tons in 2002 to 2,230 tons in 2013, a reduction of 57%. All New Hampshire EGUs combined showed a 92.8% reduction in SO_2 emissions and a 61.3% reduction in NO_Xemissions for the same time period.

EPA proposes to find that New Hampshire has adequately addressed the provision under 40 CFR 51.308(g)(2). New Hampshire has detailed the SO_2 and NO_X reduction from the 2002 Regional Haze baseline to the most recently available year of data at the time of the development of New Hampshire's Progress Report, 2013. In addition, NH DES highlighted SO_2 and NO_X emissions reductions from all New Hampshire EGUs during this same time period.

The provisions under 40 CFR 51.308(g)(3) require that states with Class I areas within their borders provide the following information for the most impaired and least impaired days[7] for each area, with values expressed in terms of five-year averages of these annual values: (1) Current visibility conditions; (2) the difference between current visibility conditions and baseline visibility conditions; and (3) the change in visibility impairment over the past five years.

New Hampshire is home to two Class I areas, Great Gulf and Dry River. The Interagency Monitoring of Protected Visual Environments program (IMPROVE) monitor within Great Gulf is representative of both New Hampshire Class I areas. In the Progress Report, NH DES provides the data for the baseline 2000–2004 5-Year Average visibility, the most recent 2009–2013 5-Year Average visibility, the 2018 RPG from the 2010 Regional Haze SIP, and the calculated visibility improvement. *See* Table 1.

TABLE 1—OBSERVED VISIBILITY VS. ESTABLISHED VISIBILITY GOALS (DECIVIEWS) FOR GREAT GULF WILDERNESS AREA

	Baseline 2000–2004 5-year average visibility	Most recent 2009–2013 5-year average visibility	Visibility mprovement	2018 Reasonable progress goal	2064 Goal (natural visibility)
20% Most Impaired Days	22.8 dv	16.7 dv	6.1 dv	19.1 dv	12.0 dv
20% Least Impaired Days	7.7 dv	5.9 dv	1.8 dv	7.2 dv	3.7 dv

The baseline visibility for Great Gulf was 22.8 dv on the 20% most impaired days and 7.7 dv on the least impaired days. The most recent five-year average visibility data shows an improvement of 6.1 dv on the 20% most impaired days and 1.8 dv improvement on the 20% least impaired days. The 2014 Progress Report also demonstrates that the State has already achieved and surpassed the 2018 RPG for the 20% most impaired days and ensured no visibility degradation for the 20% least impaired days for the first planning period.

EPA is proposing to find that New Hampshire provided the required information regarding visibility conditions to meet the requirements under 40 CFR 51.308(g)(3), specifically providing baseline visibility conditions (2000–2004), current conditions based on the most recently available IMPROVE monitoring data (2009–2013), and the difference between current visibility conditions and baseline visibility conditions.

The provisions under 40 CFR 51.308(g)(4) require an analysis tracking emissions changes of visibility-impairing pollutants from the state's sources by type or category over the past five years based on the most recent updated emissions inventory. In its progress report SIP to address the requirements of 40 CFR 51.308(g)(4), New Hampshire presents data from statewide emissions inventories developed for the years 2002, 2007, 2013 (EGUs only), and projected inventories for 2018 for SO_2, NO_X, $PM_{2.5}$ and Volatile Organic Compounds (VOC).[8] [9] New Hampshire's emissions inventories include the following source classifications: Point EGUs, Point Non-EGUs, Area, On-road Mobile, and Non-road Mobile. From 2002 through 2013, New Hampshire's overall EGU (the largest SO_2 sector) emissions were reduced from 43,962 tons per year (tpy) SO_2 to 3,167 tpy, surpassing the 2018 projected goal of 10,766 tpy SO_2. For NO_X, from 2002 to 2007, the State achieved an overall 13% reduction from 64,625 tpy to 56,110 tpy. NH DES is projecting an additional 25,000 tpy reduction in NO_X by 2018, mostly from the on-road mobile sector, which would result in approximately 31,110 tpy NO_X in 2018. This estimate compares well with the 2018 projected goal of 30,369 tpy. Finally, NH DES indicates that based on the 2007 emission data, the State has already exceeded the 2018 emission reduction goals for direct $PM_{2.5}$ (55% reduction) and VOCs (53% reduction).

---

[6] New Hampshire's progress report SIP includes annual unit-level emissions data for SO_2 and NO_X from EGUs from EPA's Clean Air Markets Division (CAMD) for the years 2002 and 2013.

[7] The "most impaired days" and "least impaired days" in the regional haze rule refer to the average visibility impairment (measured in deciviews (dv)) for the twenty percent monitored days in the calendar year with the highest and lowest amount of visibility impairment, respectively, averaged over a five-year period. *See* 40 CFR 51.301. The lower the dv, the better the visibility in an area.

[8] The 2002 inventory is the MANE–VU V3.3 which is projected to 2018. The 2007 inventory is the MARAMA V3 inventory based on the 2007 National Emission Inventory (NEI). The 2013 inventory was the most recent year of Clean Air Markets Division (CAMD) inventory data as reported to EPA.

[9] Mid-Atlantic Air Management Association (MARAMA) "Regional Emissions Trends Analysis for the MANE–VU States Technical Support Document Revision 3" dated March 22, 2013. Attachment D of the New Hampshire 2014 Progress Report.

EPA is proposing that New Hampshire has adequately addressed the provisions under 40 CFR 51.308(g)(4). NH DES compared the most recent updated emission inventory data available at the time of the development of the Progress Report with the baseline emissions for the Regional Haze SIP. The progress report appropriately details the 2007 SO_2, NO_X, $PM_{2.5}$ and VOC reductions achieved, by sector, thus far in the regional haze planning period. In addition, the State provided the most recent annual EGU SO_2 emission data, the sector determined to be the greatest contributor to visibility impairment at the Class I areas in New Hampshire and Maine.

The provisions under 40 CFR 51.308(g)(5) require an assessment of any significant changes in anthropogenic emissions within or outside the state that have occurred over the past five years that have limited or impeded progress in reducing pollutant emissions and improving visibility in Class I areas impacted by the state's sources. In its progress report SIP, New Hampshire states that sulfates continue to be the biggest single contributor to regional haze at Great Gulf, Dry River, and Acadia. While New Hampshire mainly focused its analysis on addressing large SO_2 emissions from point sources, the State did not find any significant changes in NO_X and $PM_{2.5}$ which might impede or limit progress during the first planning period. In addition, NH DES cited the 2013 Northeast States for Coordinated Air Use Management (NESCAUM) report, discussed below, which indicates that all of the MANE–VU Class I areas are on track to meet the 2018 visibility goals established by the states in their Regional Haze SIPs.[10]

EPA proposes to conclude that New Hampshire has adequately addressed the provisions under 40 CFR 51.308(g)(5). The State adequately demonstrated that there are no significant changes in emissions of SO_2, $PM_{2.5}$, or NO_X within the state which have impeded progress in reducing emissions and improving visibility in the Class I areas impacted by New Hampshire sources.

The provisions under 40 CFR 51.308(g)(6) require an assessment of whether the current Regional Haze SIP is sufficient to enable the state, or other states, to meet the RPGs for Class I areas affected by emissions from the state. In its progress report SIP, NH DES states that it believes that the elements and strategies relied on in its original Regional Haze SIP are sufficient to enable New Hampshire and neighboring states to meet all established RPGs. To support this conclusion, NH DES notes that 2013 EGU SO_2 emissions for the entire MANE–VU area are already less than the 2018 projection (315,675 tpy versus 365,024 tpy). In addition, New Hampshire discusses visibility data from *Tracking Visibility Progress, 2004–2011,* prepared by NESCAUM, which updated the progress at MANE–VU Class I areas during the five-year period ending in 2011, including information for the New Hampshire Class I areas, between 2000 and 2011 in the context of short- and long-term visibility goals. The report indicates that visibility impairment on the best and worst days from 2000 through 2011 have dropped at Great Gulf. New Hampshire notes the NESCAUM report indicates that all the MANE–VU Class I states continue to be on track to meet their 2018 RPGs for improved visibility and that further progress may occur through recently adopted or proposed regulatory programs. Based upon the NESCAUM report and visibility data, New Hampshire states in its Progress Report that visibility improvement at Great Gulf, Dry River, and Acadia has occurred for the most impaired days and no degradation of visibility has occurred for the least impaired days. Therefore, New Hampshire finds that Great Gulf, Dry River, and Acadia are on track to meet the RPGs for 2018 based on the observed visibility improvement.

EPA proposes to conclude that New Hampshire has adequately addressed the provisions under 40 CFR 51.308(g)(6). EPA views this requirement as an assessment that should evaluate emissions and visibility trends and other readily available information. In its Progress Report, New Hampshire described the improving visibility trends detailed in the NESCAUM report and the downward emissions trends in key pollutants in the State and the MANE–VU region. With a focus on SO_2 emissions from New Hampshire EGUs, New Hampshire determined that the State's Regional Haze SIP is sufficient for the two Class I areas within the state and the Class I area outside the state impacted by the state's emissions (Acadia) to meet their RPGs.

The provisions under 40 CFR 51.308(g)(7) require a review of the state's visibility monitoring strategy and an assessment of whether any modifications to the monitoring strategy are necessary. New Hampshire's visibility monitoring strategy relies upon participation in the IMPROVE network. The IMPROVE monitor at the Great Gulf area is located approximately 1 mile east of the wilderness boundary and also serves as the monitor for the Dry River area whose northern most limit lies only 5 miles southwest of the monitor location. NH DES finds that there is no indication of a need for additional monitoring sites or equipment.

EPA proposes to find that New Hampshire has adequately addressed the provisions under 40 CFR 51.308(g)(7) by reviewing the state's visibility monitoring strategy and assessing whether any modifications to the monitoring strategy are necessary.

B. Determination of Adequacy of Existing Regional Haze Plan

Under 40 CFR 51.308(h), states are required to take one of four possible actions based on the information gathered and conclusions made in the progress report SIP. In its progress report SIP, New Hampshire took the action provided for by the provisions under 40 CFR 51.308(h)(1), which allow a state to submit a negative declaration to EPA.

In the 2014 SIP submittal, New Hampshire determined that the existing Regional Haze SIP requires no further substantive revision at this time to achieve the RPGs for Class I areas affected by the state's sources. The basis for the State's negative declaration is the finding that visibility has improved at all Class I areas in the MANE–VU region. In addition, SO_2 emissions from the State's EGUs have decreased beyond the original 2018 projections. While NO_X reductions have yet to fully meet the 2018 projections, additional substantial NO_X emission reductions are expected from the mobile sector over the next several years. Finally, New Hampshire expects the downward trend in SO_2 emissions from EGUs in the other MANE–VU states to continue through 2018.

EPA proposes to conclude that New Hampshire has adequately addressed the provisions under 40 CFR 51.308(h) because the visibility and emission trends indicate that the Great Gulf and Dry River Areas, in addition to Acadia which is the Class I area impacted by New Hampshire sources, will be able to meet or exceed the RPGs for 2018.

C. Revised Env-A 2302.02 Emission Standards Applicable to Tangential-Firing, Dry-Bottom Boilers

On August 22, 2012, EPA approved New Hampshire's Env-A 2300 Mitigation of Regional Haze into New

---

[10] NESCAUM for MANE–VU, "Tracking Visibility Progress 2004–2011," revised May 24, 2013. *http://www.nescaum.org/documents/manevu-trends-2004-2011-report-final-20130430.pdf/view.*

Hampshire's SIP. See 77 FR 50602. Env-A 2300 is the New Hampshire regulation which establishes the emission limits associated with control measures adopted through the Regional Haze process. In the New Hampshire 2010 Regional Haze SIP, the current use of an Electrostatic Precipitator on Newington Station Unit NT1[11] represented BART for particulate control. At the time of EPA's approval, a single available stack test yielded a controlled TSP rate in the vicinity of 0.06 pounds TSP per million British thermal units (lb TSP/MMBtu) and was used to establish the TSP limit for NT1. However, the facility's Title V operating permit required that a compliance stack test for particulate matter be performed and the permit limit be amended, as appropriate, based on the results of the test. Subsequent stack testing demonstrated that 0.04 lb TSP/MMbtu is a more appropriate emission limit. Revised Env-A 2302.02, which was included in New Hampshire's December 16, 2014 SIP submittal, reduces the TSP emission limit for Newington NT1 from 0.06 lb TSP/MMbtu to 0.04 lb TSP/MMbtu.

EPA is proposing to find that New Hampshire's revised Env-A 2302.02 strengthens the existing SIP and is therefore proposing to approve, and incorporate into the New Hampshire SIP, revised Env-A 2302.02.

EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA New England Regional Office listed in the **ADDRESSES** section of this **Federal Register**.

IV. Proposed Action

EPA is proposing to approve New Hampshire's December 16, 2014 Regional Haze 5-Year Progress Report as meeting the requirements of 40 CFR 51.308(g) and (h). In addition, EPA is proposing to approve, and incorporate into the New Hampshire SIP, New Hampshire's revised section Env-A 2302.02 Emission Standards Applicable to Tangential-Firing, Dry Bottom Boilers.

V. Incorporation by Reference

In this rulemaking, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference New Hampshire's revised Env-A 2302.02 Emission Standards Applicable to Tangential-Firing, Dry-Bottom Boilers, effective November 22, 2014. The EPA has made, and will continue to make, these documents generally available electronically through *http://www.regulations.gov* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Regional Haze, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: July 6, 2016.

H. Curtis Spalding,

Regional Administrator, EPA New England.

[FR Doc. 2016–17063 Filed 7–18–16; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1, and 63

[IB Docket No. 16–155, FCC 16–79]

Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this Notice of Proposed Rulemaking (NPRM), the Federal Communications Commission (Commission) proposes changes to our rules and procedures related to certain applications and petitions for declaratory ruling involving foreign ownership (together, "applications"). The Commission refers certain applications to the relevant Executive Branch agencies for their input on any national security, law enforcement, foreign policy, and trade policy concerns that may arise from the foreign ownership interests held in the applicants and petitioners (together,

---

[11] PSNH Newington Station Unit NT1 is the only Tangential-Firing, Dry-Bottom Boiler in New Hampshire.

"applicants"). As part of our effort to reform the Commission's processes, we seek to improve the timeliness and transparency of this referral process. More specifically, our goals here are to identify ways in which both the Commission and the agencies might streamline and facilitate the process for obtaining information necessary for Executive Branch review and identify expected time frames, while ensuring that we continue to take Executive Branch concerns into consideration as part of our public interest review.

DATES: Submit comments on or before August 18, 2016, and replies on or before September 2, 2016.

ADDRESSES: You may submit comments, identified by IB Docket No. 16–155, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Federal Communications Commission's ECFS Web site: http://fjallfoss.fcc.gov/ecfs2/.* Follow the instructions for submitting comments.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email to *FCC504@fcc.gov,* phone: 202–418–0530 (voice), tty: 202–418–0432.

For detailed instructions on submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Krech or Veronica Garcia-Ulloa, Telecommunications and Analysis Division, International Bureau, FCC, (202) 418–1480 or via email to *Veronica.Garcia-Ulloa@fcc.gov,* mail to: *David.Krech@fcc.gov.* On PRA matters, contact Cathy Williams, Office of the Managing Director, FCC, (202) 418–2918 or via email to *Cathy.Williams@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking in IB Docket No. 16–155, adopted on June 24, 2016 and released on June 24, 2016. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street SW., Washington, DC 20554. The document also is available for download over the Internet at: *http://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db0624/FCC-16-79A1.pdf.*

Comment Filing Procedures

Pursuant to §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated above. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the Commission's ECFS Web site at *http://apps.fcc.gov/ecfs/.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington DC 20554.

Synopsis of Notice of Proposed Rulemaking

1. In this Notice of Proposed Rulemaking, we propose changes to our rules and procedures related to certain applications and petitions for declaratory ruling involving foreign ownership. On May 10, 2016, the National Telecommunications and Information Administration (NTIA) filed a letter on behalf of the Executive Branch requesting that the Commission make changes to its processes that would help facilitate a more streamlined Executive Branch review process. The Executive Branch asks the Commission to require applicants seeking international section 214 authorizations or transfer of such authorizations, submarine cable landing licenses, satellite earth station authorizations, and section 310(b) foreign ownership rulings to provide certain information as part of their applications. The Executive Branch specifically asks that applicants with reportable foreign ownership provide certain information regarding ownership, network operations, and related matters, and that all applicants, regardless of whether they have reportable foreign ownership, certify that they will comply with applicable law enforcement assistance requirements and respond truthfully and accurately to lawful requests for information and/or legal process. The NTIA Letter states that such requirements will improve the ability of the Executive Branch to expeditiously and efficiently review referred applications, particularly in regard to identifying and assessing applications that raise national security or law enforcement concerns. The letter further states that the proposed certifications, in many cases, may eliminate the need for national security or law enforcement conditions, and thus facilitate expeditious responses to the Commission on specific applications.

2. Based on the NTIA Letter and the comments received, we propose specific changes in our rules, designed to address the Executive Branch's request in a manner that furthers our mandate to serve the public interest. We also propose to adopt time frames for Executive Branch review of applications and other changes to our processing rules. We seek comment on those proposed changes. We believe that implementation of these rule changes would speed the action on applications while continuing to take into consideration relevant national security, law enforcement, foreign policy, and trade policy concerns.

3. The Commission refers certain applications to the Executive Branch when there is reportable foreign ownership in the applicant. Specifically, where an applicant has a ten percent or greater direct or indirect owner that is not a U.S. citizen, Commission practice has been to refer an application for: (1) International section 214 authority; (2) assignment or transfer of control of domestic or international section 214 authority; (3) a submarine cable landing license; and (4) assignment or transfer of control of a submarine cable landing license. The Commission also refers petitions seeking authority to exceed the section 310(b) foreign ownership limits for broadcast and common carrier wireless licensees, including common carrier satellite earth stations.

4. Our understanding is that the national security and law enforcement agencies generally initiate review of an application by sending the applicant a

set of questions seeking information on the five percent or greater owners of the applicant, the names and identifying information of officers and directors of companies, the business plans of the applicant, and details about the network to be used to provide services. The applicant provides answers to these threshold and any follow-up questions directly to the agencies, without involvement of Commission staff. The agencies use the information gathered through the questions to conduct their review and determine whether they need to negotiate a mitigation agreement with the applicant to address potential national security or law enforcement issues. Mitigation agreements can take the form of a letter of assurance (LOA) or a national security agreement (NSA). An LOA is a letter from the applicant to the agencies in which it agrees to undertake certain actions and that is signed only by the applicant. An NSA is a formal agreement between the applicant and the agencies and is signed by all parties.

5. Upon completion of review, the Executive Branch notifies the Commission of its recommendation in typically one of two forms. The national security and law enforcement agencies may have no comment, in which case they file a letter to this effect, and the Commission moves forward with its action on the application. Alternatively, the agencies may advise the Commission that they have no objection to the grant of an application so long as the applicant complies with the terms of the relevant LOA or NSA. In such case, a grant of the application will typically be subject to the express condition that the applicant abide by the commitments and undertakings contained in the LOA and or NSA. More specifically, a typical authorization states that a failure to comply and/or remain in compliance with any of the commitments and undertakings in the LOA or NSA shall constitute a failure to meet a condition of such authorization, and thus grounds for declaring that the authorization has been terminated under the terms of the condition without further action on the part of the Commission. See IB Public Notice, 30 FCC Rcd at 11018; see, *e.g.*, Wypoint Telecom, Inc., Termination of International Section 214 Authorization, Order, 30 FCC Rcd 13431, 13431–32, para. 2 (IB 2015). Failure to meet a condition of the authorization may also result in monetary sanctions or other enforcement action by the Commission. 47 U.S.C. 312; 47 U.S.C. 503. A third type of notification might involve a request to deny an application on national security or law enforcement grounds. To date, the agencies have not requested that the Commission deny an application. Regardless of the type of response from the Executive Branch, the Commission acts quickly to dispose of an application after the agencies complete their review.

6. On May 12, 2016, the International Bureau released a public notice seeking comment on the May 10, 2016 NTIA Letter. Based on the NTIA Letter and the comments we have received, we identify below several proposals to make the Executive Branch review process more efficient and transparent. These include proposals that address the following requests set out in the NTIA Letter: (1) Requiring certain applicants with reportable foreign ownership to file information regarding ownership, network operations, and related matters; and (2) requiring applicants, regardless of whether they have reportable foreign ownership, to certify they will comply with certain law enforcement assistance requirements and respond truthfully and accurately to lawful requests for information and/or legal process. They also include additional proposals to establish time frames for Executive Branch review of applications and modify our processing rules. We seek comment on these and other ways to expedite the review process and increase transparency while ensuring that relevant Executive Branch concerns receive consideration as part of the Commission's public interest review.

7. TYPES OF APPLICATIONS. We propose that only certain types of applications may be required to provide the information and certifications requested by the Executive Branch in the NTIA Letter. In the NTIA Letter, the Executive Branch requests that applicants seeking international section 214 authorizations or transfer of such authorizations, submarine cable landing licenses, satellite earth station authorizations, and section 310(b) foreign ownership rulings, provide certain information and certifications as part of their applications. We currently refer to the Executive Branch applications with reportable foreign ownership for international section 214 authorizations, applications to assign or transfer control of domestic or international section 214 authority, submarine cable landing licenses and applications to assign or transfer control of such licenses, and petitions for section 310(b) foreign ownership rulings (broadcast, common carrier wireless, and common carrier satellite earth stations). We do not propose to expand the types of applications that we refer to the Executive Branch.

8. Currently, we refer applications for transfer of control of domestic section 214 authority that have reportable foreign ownership and that do not have a corresponding international section 214 transfer of control application. The NTIA Letter does not seek to review these types of applications, nor do we propose to include these applications among those we will refer to the Executive Branch or to require the requested information and certifications. We seek comment on this and whether there are situations where we should refer a domestic-only section 214 authority transfer of control application to the Executive Branch.

9. EchoStar/Hughes and SIA raise concerns that the NTIA Letter seeks to require non-common carrier earth station licenses to be subject to the information and certification requests by the Executive Branch. We have not been referring earth station applications to the Executive Branch because most earth stations are authorized on a non-common carrier basis, and we do not collect ownership information in the applications. An earth station application, however, may be included as part of a referral of associated applications, such as an international section 214 application or an assignment or transfer of control application. We propose to maintain our current practice and only refer common carrier earth station applications if the applicant requires a section 310(b) foreign ownership ruling. Consequently, an applicant for an earth station license would not be required to provide the information and certifications sought by the Executive Branch as part of its application, but would only need to provide such information as part of its section 310(b) petition if it required a foreign ownership ruling. Similarly, we propose that an applicant for a broadcast or common carrier wireless license not be required to provide the information as part of its application, but only need to provide such information as part of its section 310(b) petition if it required a foreign ownership ruling. We seek comment on whether these are the appropriate types of applications to be required to provide the information and certifications requested by the Executive Branch and be considered for referral to the Executive Branch for national security, law enforcement, foreign policy, and trade policy concerns.

10. OWNERSHIP, NETWORK OPERATIONS, AND OTHER INFORMATION REQUIREMENTS. We propose to require applicants with reportable foreign ownership to provide information on ownership, network

operations, and related matters when filing their applications. For international section 214 authorizations and submarine cable landing licenses, the applicant must report all individuals or entities with a ten percent or greater direct or indirect ownership interest in the applicant. 47 CFR 1.767(a)(8), 63.18(h). For assignment or transfer of control applications, the applicant must report all individuals or entities with a ten percent or greater direct or indirect ownership interest in the applicant. 47 CFR 1.767(a)(11), 63.24. Common carrier wireless licensees, common carrier satellite earth station licensees, and broadcast licensees must seek a foreign ownership ruling if their foreign ownership would exceed the relevant benchmark set out in section 310(b) of the Act. 47 U.S.C. 310(b). The NTIA Letter states that receiving the requested information as part of an application will allow the Executive Branch to start its review of the application sooner than is possible under the current review process. We agree. We propose to require that the information be filed at the time an applicant submits its application to the Commission. We seek comment on this proposal and any alternative or additional methods to streamline the application process and increase transparency, while providing the Executive Branch with the information needed to conduct its national security and law enforcement review.

11. *Categories of Information.* Under the current process, the questions asked of applicants by the Executive Branch require information that is not included in the applications submitted to the Commission. The NTIA Letter states that the relevant agencies need answers to these questions to evaluate whether an application may raise national security or law enforcement concerns. The questions may vary depending on the specifics of the application. The applicant generally cannot prepare answers in advance of receiving the questions. Because tailoring the questions sent to each applicant takes time, there often is some delay between when the Commission refers the application and when the agencies send questions to the applicant. The NTIA Letter notes that there is currently no required timeline on the applicant's response to the questions. Thus, it may take the Executive Branch additional time to obtain complete answers from applicants, which adds delay. The agencies also may have follow-up questions for the applicant upon review of the initial set of answers. This, among other factors, can lead to longer time periods for review.

12. To help ensure that the relevant departments and agencies have the information needed to review an application promptly, the Executive Branch requests that we require applicants with reportable foreign ownership seeking international section 214 authorizations or transfer of such authorization, submarine cable landing licenses, and satellite earth station authorizations, as well as petitioners for section 310(b) foreign ownership rulings, to provide as part of their applications detailed and comprehensive information in the following areas:

(1) Corporate structure and shareholder information;

(2) Relationships with foreign entities;

(3) Financial condition and circumstances;

(4) Compliance with applicable laws and regulations; and

(5) Business and operational information, including services to be provided and network infrastructure.

13. The Executive Branch asks the Commission "to adopt requirements that focus on the above categories of information to be collected, while also providing sufficient flexibility for the Commission to prescribe and, as necessary, modify the specific questions posed to applicants." The Executive Branch recommends that the Commission propose and seek comment on specific questions through an information collection process consistent with the Paperwork Reduction Act of 1995 (PRA) process. For illustrative purposes, the Executive Branch also filed sample questions that show the types and extent of the information it seeks to obtain. The introductory language for the sample questions states that the questions seek "information regarding the business organization and services, network infrastructure, relationships with foreign entities or persons, historical regulatory and penal actions, and capabilities to comply with applicable legal requirements, and would be shared with relevant Executive Branch departments and agencies to assist in the review of public interest factors."

14. The NTIA Letter states that this information is necessary for the agencies to assess whether an application with reportable foreign ownership raises national security or law enforcement concerns, including preventing abuses of U.S. communications systems, protecting the confidentiality, integrity and availability of U.S communications, protecting the national infrastructure, preventing fraudulent or other criminal activity, and preserving the ability to effectuate legal process for communications data. It states that receiving the information at the time of referral, rather than having to request it after referral, will help the Executive Branch begin review of the application promptly after referral. Commenters state that requiring these categories of information may help expedite the process, but may go beyond the information the Executive Branch currently requests. For example, one commenter asserts that seeking information on financial condition and circumstances and compliance with applicable laws and regulations "seems far outside the scope of [the Executive Branch's] review of applications for 'national security, law enforcement, foreign policy, or trade concerns.'" Others argue that the requested information is duplicative of information provided as part of the Commission's application. We seek comment on this request and on the proposed categories of information. Are there more narrowly tailored questions that can adequately serve the goals sought in the NTIA Letter? Are there additional questions that should be included, and, if so, what are those questions?

15. *Information Filing.* We propose to require applicants with reportable foreign ownership seeking an international section 214 authorization or a submarine cable landing license or to assign or transfer control of such authorizations, and petitioners for section 310(b) foreign ownership rulings (common carrier wireless, common carrier satellite earth stations, or broadcast) to provide the information requested by the NTIA Letter at the time they file their applications or petitions. We seek comment on whether there are situations where an applicant should not be required to file the information. For example, should the Commission require an applicant to provide such information when the applicant has an existing LOA or NSA and there has been no material change in the foreign ownership since it negotiated the LOA or NSA? Should non-facilities-based carriers be subject to the information request?

16. *Publicly Available Questions.* We propose that the Commission retain flexibility regarding the specific questions to be answered and thus propose to include in the rules the categories of questions to be answered but not to place the specific questions in the rules. The NTIA Letter urges the Commission to adopt requirements that focus on the categories of information to be collected so as to afford the

Commission flexibility to vary the specific questions as appropriate to the circumstances at the time. The NTIA Letter notes that the specific questions would be subject to the PRA as an information collection. We propose to adopt the approach described in the Executive Branch request, and after the new rules are adopted, we would start a PRA process with the specific questions, and then make the questions publicly available on a Web site as a downloadable document so it is readily available to applicants. This approach would be similar to our practice of outlining the requirements for an application in our rules and then including specific questions that elicit the required information during the PRA process to adopt the forms for filing the application. If we adopt this proposal, applicants and other interested parties will have the opportunity to comment on the specific questions during the PRA review process. We seek comment on this proposal.

17. We also seek comment on whether the use of a publicly available set of standardized questions for which the answers must be provided at the time of filing an application will help to streamline the Executive Branch review process. For instance, will the inclusion of responses to the standardized questions at the time the application is filed result in more timely review than the use of individualized questions that are sent to the applicant after the application has been filed? Many of the commenters support having the questions publicly available and the answers provided at the time the application is filed, stating that this should expedite Executive Branch review. CTIA, while supporting publicly-available standardized questions, recommends that the answers not be provided when the application is filed because the answers would likely delay and complicate applications. CTIA instead suggests that applicants "certify in their application that they will provide complete responses to the questionnaire within a particular time frame after filing the application." We seek comment on whether the answers should be provided when the application is filed with the Commission, and if not, how a later filing would serve the goal of expediting Executive Branch review of the applications.

18. We propose that, although the questions would be standardized, they vary by category of application. For example, an applicant for an international section 214 authorization would not be required to provide information about cable landing location sites. We also seek comment on whether there is information that the Executive Branch may require that cannot be provided when an application is filed, but which could be made available later in the review process. For example, Level 3 notes that submarine cable landing applicants usually cannot provide answers to all the questions at the time the application is filed. Should an application be considered complete and acceptable for filing if there is information that an applicant cannot provide at the time of filing? Are there specific questions for submarine cable applicants or other applicants that should not be required at the time the applicant files?

19. *FCC Review of Responses.* We propose that, as part of our review of an application for acceptability for filing, the Commission staff review the responses to the threshold questions for completeness, but leave the substantive review to the Executive Branch. CTIA and Level 3 question the usefulness of submitting the answers to the Commission and suggest that they be sent directly to the Executive Branch. We seek comment on whether the Commission should receive and/or review the answers in the first instance. We seek comment on what Commission staff should look for to determine if the responses are sufficient to find the application acceptable for filing. We also seek comment on alternatives if Commission staff does not review the responses to the questions. For example, should we require a certification that the applicant has provided the responses to the Executive Branch at the time of filing or will do so within a specified period of time? If so, what would be an appropriate period? If the Commission staff does not review the responses, how would that affect the proposed time frames for Executive Branch review? When would the 90-day period for the review start if the Executive Branch has to go back and forth with the applicant to get complete responses to the questions?

20. We recognize that the responses to some of these threshold questions may contain confidential commercial information. Some of the threshold questions would seek personally identifiable information (PII). Any questions that seek PII would require the Commission to assess whether by obtaining and using such PII it would be creating a system of records under the Privacy Act. 5 U.S.C. 552a. With respect to any information we may receive that includes PII, we intend to comply fully with the requirements of that statute and related statutes that protect PII. The Commission's rules provide a mechanism for requesting confidential treatment of such information. Under these rules, such information will be accorded confidential treatment until the Commission acts on the confidentiality request and all subsequent agency review and judicial stay proceedings have been exhausted. To the extent the information qualifies as trade secrets or confidential commercial or financial information that is exempt from disclosure under the Freedom of Information Act, our rules require a "persuasive showing" for public release of the information, showing among other factors that the information is relevant to a public interest issue before the Commission. In application proceedings, the Commission may rely upon protective orders to limit disclosure and use of competitively sensitive and other confidential information. We seek comment on whether these established procedures serve to provide appropriate protections in such situations. Given the scope of this information, the likelihood that some of it may already be public, and the relevance of context in evaluating competitive concerns, we do not propose to designate such information in our rules as the kind that is presumed confidential and therefore does not require the filing of a request for confidentiality. We seek comment on this view. We seek comment on whether some of this information can be presumed to be confidential and request that commenters specify which types of information should be presumed confidential.

21. If we require the responses to the questions to be filed with the Commission, we seek comment on whether the Commission should take special steps to ensure that the responses to threshold questions submitted by applicants are secure, such as having applicants submit their responses through a secure portal. We note that the Commission has experience in receiving confidential information and sharing that information with other agencies. Currently, the Commission has in place secure portals, such as the Network Outage Reporting System (NORS). We would anticipate developing a similar system to facilitate the receiving, reviewing, sharing, and generally storing any confidential or sensitive information in the applicants' submissions in response to the threshold questions. We also invite suggestions about other heightened security measures that the Commission can undertake to ensure the protection

of the information submitted by applicants.

22. In this case, our proposals contemplate sharing of confidential information submitted as part of the application with Executive Branch agencies, who would continue to review it in the first instance for national security, law enforcement, foreign policy, and trade policy concerns. Under our rules, such sharing is subject to the requirement that the Executive Branch agencies must comply with the protections applicable both to the Commission and to themselves relating to the unlawful disclosure of information. Because current practice already involves submission of similar information for review by these agencies, and in light of their legitimate need for the information, we propose to amend section 0.442 of the Commission's rules to make clear that sharing with Executive Branch agencies under these restrictions is permissible without the pre-notification procedures of that rule. We seek comment on this proposal. Are the obligations of the various Executive Branch agencies different than the Commission's obligation to protect the information? If so, what are the differences and what is the possible impact of those differences?

23. We seek comment on whether there are reasons why the Commission should or should not undertake the initial review of the answers for completeness. We seek comment on whether there are concerns with Commission staff receiving, reviewing, storing, and forwarding to the Executive Branch such personally identifiable and business sensitive information. What are the benefits and burdens of the Commission receiving and reviewing the threshold questions? We invite suggestions on heightened confidentiality protections for sensitive and proprietary financial, operational, and privacy related information that applicants would provide as part of the Commission's application process.

24. CERTIFICATION REQUIREMENTS. We propose to add a certification requirement to our rules, and seek comment on the scope of this proposal. The Executive Branch requests that the Commission require *all* applicants to certify that they agree to comply with several mitigation measures, as discussed below. The NTIA Letter states that requiring an applicant to certify to compliance with these measures as part of its application should reduce the need for routine mitigation, which should facilitate a faster response to the Commission by the Executive Branch on its review and advance the shared goal of making the Executive Branch review process as expeditious and efficient as possible.

25. The NTIA Letter observes that national security and law enforcement review frequently requires time both to negotiate assurances from an applicant that it will comply with applicable law enforcement assistance requirements and to draft an individualized LOA upon which the Executive Branch will rely to address national security and law enforcement concerns. It states that the proposed certification would simplify and expedite the review process. The Executive Branch therefore requests that an applicant certify that, with respect to the communications services to be provided under the requested license or authorization, it will:

(1) Comply with applicable provisions of the Communications Assistance for Law Enforcement Act (CALEA);

(2) make communications to, from, or within the United States, as well as records thereof, available in a form and location that permits them to be subject to lawful request or valid legal process under U.S. law, for services covered under the requested Commission license or authorization; and

(3) agree to designate a point of contact located in the United States who is a U.S. citizen or lawful permanent resident for the execution of lawful requests and/or legal process.

For certification number (2), the proposed certifications cite to the following U.S. laws and other legal processes: (1) The Wiretap Act, 18 U.S.C. 2501 *et seq.;* (2) the Stored Communication Act, 18 U.S.C. 2701 *et seq.;* (3) the Pen Register and Trap and Trace Statute, 18 U.S.C. 3121; and (4) other court orders, subpoenas or other legal process. The Executive Branch suggests that by requiring applicants to certify compliance with these law enforcement requirements as part of the application process, the applicant would consider and address these requirements prior to submitting the application. The NTIA Letter states that the requested certifications "would continue to require applicants to declare that all information submitted is complete, up-to-date, and truthful, and that the applicant understands that failure to fulfill the obligations contained in the certifications could result in revocation or termination of the requested license or authorization, as well as criminal and civil penalties." It asserts that these certifications would strengthen compliance because an applicant would understand that failure to comply with the certifications could be a basis for the Commission to terminate or revoke the authorization or license. We invite comment on the certifications above and seek specific comments as to whether any changes should be made and why. We also seek comment on whether the Executive Branch's suggestions will be burdensome, and if so, the nature and extent, of any burden.

26. *Eliminating the Need to Negotiate LOAs.* We believe that eliminating the need to negotiate LOAs for routine mitigation measures should help to streamline the Executive Branch review process and provide the opportunity to allocate resources to resolution of more complicated applications. Our experience shows that in 2014 almost half (13 of 29) of all mitigation agreements filed with the Commission concerned only issues that would have been adequately addressed by the certification requirement; in 2015, the figure was over half (17 of 29). We encourage those who have had experience in negotiating routine LOAs that cover compliance with CALEA and other law enforcement assistance requirements to address whether and in what ways and by how much time the proposed certifications might have expedited Executive Branch review of their applications.

27. *Applicants.* We seek comment on the Executive Branch request that all applicants seeking an international section 214 authorization or a submarine cable landing license, or applications to assign or transfer control of such authorizations, and petitioners for section 310(b) foreign ownership rulings (common carrier wireless, common carrier satellite earth stations or broadcast) be required to make the foregoing certifications, not just those applicants with reportable foreign ownership. Specifically, we seek comment on the premise that the certification requirement would address legitimate law enforcement concerns that should apply regardless of foreign ownership. We note that extension of this requirement to all applicants would encompass the vast majority of such applications, including many that do not require Executive Branch review. Several commenters oppose requiring applicants that do not have reportable foreign ownership to make the requested certification. For example, CTIA argues that the NTIA letter "does not explain why [the proposed] certifications should be extended to all applicants" when the Executive Branch review process is currently limited to applicants with reportable foreign ownership. In addition, T-Mobile claims that "[t]here is no basis to require applicants without cognizable foreign ownership to submit to these new

requirements." Moreover, USTelecom contends that applicants should not have to "submit up front information or certifications if their applications have no meaningful nexus to national security, law enforcement, foreign policy, or trade concerns," which are the main reasons behind the Executive Branch review. We seek comment on their concerns. Are there reasons why the certification should apply only to applicants with reportable foreign ownership? How would requiring certifications from all applicants expedite the review of applications with reportable foreign ownership? Would distinguishing between applicants with reportable foreign ownership and those without foreign ownership raise concerns with any U.S. treaty obligations, such as the non-discrimination/national treatment obligations common to U.S. free trade agreements? We invite comments on whether the benefits of the certifications outweigh the burdens related to compliance with the requirement.

28. *Extent of Current Laws and Obligations.* We seek comment on whether, and in what ways, the proposed certifications might add any new requirements beyond those set out in the applicable statutes and rules. The NTIA Letter states that the requested certification essentially reflects current laws and obligations. Several commenters disagree, arguing that the certifications go beyond the existing obligations of carriers under current statute and rules. For example, CTIA contends that the second proposed certification could be interpreted as requiring carriers to "take steps beyond what is currently required to assist with breaking security measures on customers' accounts and devices." In particular, T-Mobile and Wiley Rein are concerned that the certification is broad enough to be read as prohibiting encryption, establishing duties to decrypt, and requiring disclosure to government agencies that is not legally compelled. T-Mobile further contends that the "certification language also appears to be trying to improperly enforce localization and repatriation in the United States," running contrary to the Commerce Department's policy of favoring the "free flow of information." USTelecom ultimately finds that some certifications such as the second certification are "subject to differing legal interpretation and potential legal challenge," making their "validity and wisdom . . . unclear." We seek comment on these concerns as well as alternatives to the second certification offered by these parties, such as T-Mobile's proposal that it should be limited to compliance with obligations otherwise established in statute or regulation. We also seek comment on whether there are conflicts between U.S. law and other laws applicable to communications made to or from other countries or records associated therewith, and if so how should applicants resolve any such conflicts? Would the proposed certifications raise foreign policy or other concerns regarding potential reciprocal demands by foreign regulatory authorities on U.S. entities? Would this burden vary by the type of license or authorization to which the certification applies? What experience have prior applicants had with any similar provisions under existing LOAs or NSAs?

29. We also seek comment on whether the certifications regarding compliance with CALEA and making communications within the United States as well as records thereof available in a form and location that permits them to be subject to lawful request or valid legal process under U.S. law, should be applied to all applicants or only applied to certain applicants. We also seek comment on whether the certifications regarding compliance with CALEA and making communications within the United States, as well as records thereof, available in a form and location that permits them to be subject to lawful request or valid legal process under U.S. law should be applied more narrowly than proposed in the NTIA Letter. Should they only apply to common carrier licensees? For example, the Broadcaster Representatives argue that the CALEA compliance and intercept capabilities have nothing to do with broadcasting, or with broadcast licensees or applicants that file a petition for a foreign ownership ruling under section 310(b). The Broadcaster Representatives state that broadcasters "do not have compliance obligations" under CALEA and recommend the Commission consider differentiating the requirements in the broadcast context. We seek comment on considerations of the scope and implications of the certifications proposal.

30. TIME FRAMES FOR EXECUTIVE BRANCH REVIEW. We propose to adopt a 90-day period for the Executive Branch to complete its review of referred applications and petitions. In rare instances, we propose to allow a one-time additional 90-day extension provided the Executive Branch demonstrates that issues of complexity warrant such an extension and provides to the Commission the status of its review every 30 days thereafter. We also propose that the time period would start from the date the application is placed on the Commission's acceptable for filing public notice. We believe that time frames will bring additional clarity and certainty to the review process. Such transparency would benefit the Commission and applicants alike, by keeping all parties better informed of the application's status and facilitating expectations for resolution of pending cases. Several commenters agree, stating that time frames (including a 90-day period) should be established for Executive Branch review in order to promote transparency and certainty of action. Because these time frames will affect multiple types of applications with requirements that are set out in different parts of the Commission's rules, we propose to establish a new subpart U in Part 1 of the rules for referral of applications to the Executive Branch.

31. *Acceptability for Filing.* Under our proposal, Commission staff will review the application to ensure it is acceptable for filing. If the threshold questions have been answered, the certification is complete, and the application otherwise complies with our rules, the Commission proposes to place the application on public notice, with appropriate protections, and forward the application, including the answers to the threshold questions, to the Executive Branch. In instances where the Commission finds that any of the threshold questions have not been answered or the certification is incomplete, we propose that the Commission notify the applicants and give them a reasonable time to respond. We seek comment on what a reasonable time frame should be (such as, for example, seven days). Failure to respond within the time frame will be grounds for dismissal of the application without prejudice to refiling. We seek comment on this proposal and any other recommendations on the process to ensure transparency to the public and applicants and to promote an efficient review process. One commenter suggested that to enhance transparency, applicants should have names and contact information of the individuals in the Executive Branch who are reviewing their applications. We seek comment regarding whether the Executive Branch agencies should identify a single point of content or point agency for referral of applications and any inquiries the Commission or applicants have during the course of the Executive Branch review process for any given application. In the alternative, we seek comment on whether each participating agency should identify its

own point of contact. If obtained, we propose to provide Executive Branch contact information on our Web site along with the standardized national security and law enforcement questions. We seek comment on this proposal.

32. *Non-Streamlined Processing.* We propose to process on a non-streamlined basis international section 214 and submarine cables applications with foreign ownership that are referred to the Executive Branch for review. Streamlined processing of an international section 214 application means that the application is granted on the 14th day after the application is placed on public notice. Based on our experience, the Executive Branch needs time to review an application and streamlined processing, particularly a 14-day process, does not provide sufficient time for such a review. The Commission previously has made such a determination in the context of submarine cable landing licenses, where it found that a 14-day review period was insufficient due to the need to coordinate such licenses with the State Department. Moreover, the Executive Branch regularly requests that we remove applications from streamlined processing as it cannot complete its review in that short of a time period. We believe it would be beneficial to the applicant, the Commission, and the Executive Branch agencies to process the applications as non-streamlined from the beginning rather than to initially process the application on a streamlined basis and then remove it from streamlining. This should provide more transparency as to the process for those applications referred to the Executive Branch for review. We seek comment on this proposal and seek suggestions on alternative changes to our processing of applications. We propose to remove from streamlining any transactions involving joint domestic and international section 214 authority where foreign ownership of the international 214 authorization alone would be cause for non-streamlined processing. In such cases, we see no reason to streamline one part of the transaction (domestic 214 authority) while another part (international 214 authority) is not streamlined. We seek comment on these proposals and seek suggestions on alternative changes to our processing of applications.

33. *90-Day and 180-Day Time Frames for Executive Branch Review.* We propose a 90-day review period for applications referred to the Executive Branch, with a one-time additional 90-day extension for circumstances where the Executive Branch requires additional review time beyond the initial period. Many of the commenters support a 90-day review period. We expect that many of the referred applications will be processed within the initial comment period because the certification requirement should obviate the need for negotiating LOAs related to compliance with routine law enforcement requirements. We will refer applications with reportable foreign ownership to the Executive Branch upon release of the public notice, and we propose that, at that time, the 90-day clock would begin. Currently, only applications concerning international section 214 authorizations—either initial applications for authority or applications for assignment or transfer of authority—that qualify for streamlined processing pursuant section 63.12 are referred to the Executive Branch prior to the application being placed on public notice. 47 CFR 63.12. In those cases, the applications have been referred to the Executive Branch generally a week prior to release of the public notice, and the Executive Branch is requested to notify the Commission prior to the automatic grant of the application if it wishes to review the application. Commenters support starting the clock when the application either is referred to the Executive Branch or placed on an accepted for filing public notice.

34. In keeping with current practice, we propose to continue to request that the Executive Branch notify us within the comment period established by the public notice if it will require additional time to review the application (*i.e.,* beyond the comment period established by the public notice). Any request to defer Commission action beyond the public notice period pending national security, law enforcement, foreign policy, and trade policy review would be filed in the public record for the application. If the Executive Branch asks us to defer action on an application beyond the public comment period for the application, we propose a timetable for completing its review within 90 days of the release of the accepted-for-filing public notice. Should the Executive Branch complete review prior to the end of the 90-day period, we propose that it should notify the Commission at the time the review is complete. If the Executive Branch does not notify the Commission within the 90-day period that it is requesting additional time to review the application, we propose to deem that it has not found any national security, law enforcement, foreign policy, or trade policy issues present, and we will move ahead with Commission action on the application. Commenters agree with this approach. We seek comment on this proposal and on any alternative proposals for processing such applications.

35. A 90-day period is consistent with the existing timelines for action on non-streamlined international 214 and cable landing license applications. Moreover, a 90-day review period is consistent with review periods used by other agencies as well. For example, CFIUS conducts national security reviews of mergers, acquisitions, and takeovers by, or with, any foreign person that could result in foreign control of a U.S. business (a "covered transaction") under a similar time frame. After an organization submits notice of a transaction to the Committee, CFIUS has up to 90 days to complete its review of the transaction.

36. We recognize that, in some unusual cases, the Executive Branch may need more than 90 days to investigate and/or resolve any national security, law enforcement, foreign policy, or trade policy issues. Allowing the Executive Branch up to an additional 90 days (*i.e.,* 180 days total from the date of public notice and referral) for review would be consistent with our rules regarding international section 214 and cable landing license applications that provide the Commission an additional 90 days' review in cases of extraordinary complexity.

37. Under our proposal, the Executive Branch would complete its review within the 90-day period or notify the Commission no later than the initial 90-day date that it requires additional time for review and, every 30 days thereafter, would notify the Commission on the status of review. We propose that the notification would explain why the Executive Branch requires additional time to complete review, along with an estimate of the additional time required. We invite comment on factors that would provide a basis for an extension. If the explanation includes classified or other information that should not be made public, the agencies would have the ability to file a short statement in the public record, and provide a more thorough explanation to Commission staff in a non-public record.

38. We seek comment on the proposed 90-day and 180-day time periods. Are these appropriate? Should they apply to all the applications that are referred to the Executive Branch or should there be different time periods for different types of applications? If different periods should be adopted, what would be the rationale for such a

distinction and what would be an appropriate period?

39. *Follow-Up Questions.* As discussed above, the period for Executive Branch review would begin when the application goes on public notice and is referred to the Executive Branch. After receiving an applicant's answers to the threshold questions, there may be situations, as there are under the current process, when the agencies will need to seek additional information or clarification from the applicant to conduct their national security, law enforcement, foreign policy, and trade policy review. As is the current practice, we propose that the agencies engage directly with the applicant regarding any follow-up information requests, and that the applicant send its answers to the follow-up requests directly and solely to the agencies, but that the Commission could request copies of such answers in its discretion. To ensure that the time frames for Executive Branch review can be maintained, we propose that the applicant be required to respond to the agencies' requests for information within seven days. If the applicant does not provide the requested information on time, we propose that the Commission have the discretion to dismiss the application without prejudice. We propose that the Executive Branch would need to notify the Commission when an applicant fails to provide supplemental information within seven days. The applicant would have the option of asking for additional time to respond, but that would stop the 90-day review clock until the applicant provides the requested information. We propose that a request for additional time to provide supplemental information be submitted by the applicant directly to the Executive Branch with a copy submitted to the Commission.

40. We also propose to place similar requirements on the applicant to be responsive to requests by the agencies to negotiate mitigation, a process which we expect to occur within the 90-day review period following referral of an application, as discussed in the paragraphs above. Thus, under this proposed approach, an applicant would have seven days after receiving a draft mitigation agreement to respond to it (either by signing it or offering a counter-proposal). If an applicant desires more than seven days to respond to the draft mitigation agreement, it must submit an extension request directly to the Executive Branch. The 90-day clock would stop for the duration of the extension, just as it would stop for extensions to respond to follow-up questions. Negotiation of the mitigation agreement could involve several rounds of seven-day review periods (or longer if extensions are sought) if multiple drafts and counter-proposals are exchanged. Failure of an applicant to respond within the seven days or any approved extension period would result in dismissal of the application, without prejudice. We seek comment on these proposals. In particular, we request comment on whether seven days is sufficient time to respond to follow-up questions, and what impact allowing a longer period would have on the 90-day period for Executive Branch review.

41. CATEGORIES OF REFERRALS. Although we propose to continue to refer certain applications to the Executive Branch agencies, we seek comment on whether there are categories of applications with foreign ownership that the Commission should generally not refer to the Executive Branch. For example, currently the Commission does not refer a *pro forma* notification because by definition there is no change in the ultimate control of the licensee. Under section 63.24(f), carriers may submit post-transaction notifications for non-substantial, or *pro forma,* transfers and assignments in which no change in the actual controlling party occurs. 47 CFR 63.24(f). Thus, for example, where the owner maintains *de facto* control of the carrier, less than 50 percent of the carrier's voting interests changes hands, and no new party gains negative or *de jure* control as a result of the transaction or series of transactions, the transaction would constitute a *pro forma* transfer of control. *See Amendment of Parts 1 and 63 of the Commission's Rules,* IB Docket No. 04–47, Report and Order, 22 FCC Rcd 11398, 11411, para. 36 (2007). Under section 63.24(f), the carrier can notify the Commission of the transaction after the transfer is completed. Several commenters support exclusion of *pro forma* notifications from the referral process. TelePacific asserts that applications for transactions that involve resellers with no facilities should not be referred to the Executive Branch. If the Commission adopted this position, how would the Commission know that no facilities are being assigned/transferred in the proposed transaction? Are there other categories of applications that the Commission should generally not refer to the Executive Branch, such as when the applicant has an existing LOA or NSA and there has been no change in the foreign ownership since the Executive Branch and applicant negotiated the relevant LOA or NSA? We also seek comment on whether the Commission might review and not refer to the Executive Branch certain categories of applications. How would this process work and which categories of applications might be included? Would internal Commission review for national security and law enforcement concerns serve to expedite the processing of applications?

42. OTHER CHANGES TO THE APPLICATION PROCESS. We also propose other revisions to the application process to streamline the review process. First, we propose to amend our rules to clarify that applicants for international section 214 authorizations, assignments or transfers of control of domestic or international section 214 authority, and applications for submarine cable landing licenses or to assign or transfer control of such licenses must include in their applications the voting interests, in addition to the equity interests, of individuals or entities with ten percent or greater direct or indirect ownership in the applicant. Second, we propose to require these applicants to include in their applications a diagram of the applicant's ownership, showing the ten percent or greater direct or indirect ownership interests in the applicant. We believe that these two rule revisions will facilitate faster review of applications by Commission staff.

43. The current rules require applicants to provide the name, address, citizenship, and principal businesses of any individual or entity that owns directly or indirectly at least ten percent of the equity of the applicant. These rules originated when equity and voting ownership were usually the same. Today, applicants often have multiple classes of ownership and equity interests that differ from the voting interests. It is important for the Commission to know for potential control purposes who has voting interests in the applicant. The Commission has recognized this in other rules, where it requires an applicant to provide both equity and voting interests in an applicant. Although most applicants provide the voting information in their international section 214 and submarine cable license applications, others do not. If the filing does not provide information about the voting interests, either by providing separate equity and voting share information or noting that the voting interests track the equity interests, it is the practice of Commission staff to contact applicants and request the information. Having to request this information delays review of the

application. We seek comment on this proposal to include applicant's applicable voting interests.

44. We also believe that inclusion of a diagram showing the ten-percent-or-greater interests in the applicant can help speed the processing of an application. Many applicants have complex ownership structures, particularly those with private equity ownership. A diagram can help distill a lengthy description of an ownership structure and make it more easily understood. The Commission has found this especially helpful in the context of foreign ownership petitions and recently included such a requirement in the rules regarding the contents of a request for declaratory ruling under section 310(b) of the Act. While many applicants already provide ownership diagrams in their applications, Commission staff often request such a diagram from an applicant after the application has been filed. We believe that requiring the application to include the diagram would impose a minimal burden on applicants which would be offset by the Commission staff's ability to process applications more expeditiously. We seek comment on this proposal.

45. Finally, we propose a clean-up edit to the cable landing license rules. In 2014, the Commission removed the effective competitive opportunities test for cable landing licenses. The Commission at that time failed to amend the reporting requirement for licensees affiliated with a carrier with market power in a cable's destination market to remove the limitation that it apply only to destination markets in World Trade Organization (WTO) Member countries. We propose to remove that limitation and apply the reporting requirements to licensees affiliated with a carrier with market power in a cable's destination market for all countries, whether or not they are a WTO Member. We seek comment on this proposal.

46. CONCLUSION. The Commission seeks to streamline and to bring more transparency to the Executive Branch referral process while continuing to give consideration to relevant national security, law enforcement, foreign policy, and trade policy concerns. We seek comment on the proposals we make to implement the suggestions submitted by the Executive Branch. We also seek comment on establishing appropriate time frames for Executive Branch review of an application with reportable foreign ownership and other changes to our processing rules. We tentatively conclude that implementation of these proposals would provide for more timely and transparent review while ensuring that relevant national security, law enforcement, foreign policy, and trade policy concerns receive consideration.

Paperwork Reduction Act

47. This document contains new and modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due September 19, 2016. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) way to further reduce the information collection burden on small business concerns with fewer than 25 employees. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Initial Regulatory Flexibility Act Analysis

48. As required by the Regulatory Flexibility Act (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in this Notice of Proposed Rule Making (NPRM). We request written public comments on this IRFA. Commenters must identify their comments as responses to the IRFA and must file the comments by the deadlines provided in the NPRM. The Commission will send a copy of the NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. In addition, the NPRM and IRFA (or summaries thereof) will be published in the **Federal Register**.

49. This NPRM seeks comment on the proposed changes to our rules and procedures related to the review of certain applications and petitions for declaratory ruling involving foreign ownership by the Executive Branch agencies. The Commission's objective is to improve the timeliness and transparency of the Executive Branch review process. Industry has expressed concern about the uncertainty and lengthy review times that make it difficult to put a business plan in place. In response, the Executive Branch agencies filed a letter requesting the Commission make changes to its processes that would help facilitate a more streamlined review. The proposed rules seek to remedy the uncertainty and time frame for review.

50. The NPRM proposes several changes to our rules. Specifically, it proposes to:

1. Standardize the threshold questions that the national security and law enforcement agencies routinely ask applicants with foreign ownership and require applicants to provide the information as part of the application process. The NPRM proposes to collect information on: Corporate structure and shareholder information; relationship with foreign entities; financial condition and circumstances; compliance with applicable laws and regulations; and business and operational information, including services to be provided and network infrastructure. The specific questions would be adopted through the Paperwork Reduction Act (PRA) process and would be publicly available on a Web site, as a downloadable document, so it is readily available to applicants prior to filing its application. This proposal would help provide transparency and expedite the review process.

2. Include in the rules a requirement that applicants certify that they will comply with routine mitigation measures. The Executive Branch agencies state that the proposed certification requirement reflects current laws and obligations applicable to applicants, but ensures that the applicants focus on those laws and obligations at the beginning of the application process. This would also help reduce the number of individualized Letters of Assurances that the Executive Branch agencies would need to negotiate, thus expediting response to the Commission.

3. Include applicable time frames for the Executive Branch agencies to complete its review of FCC applications. A 90-day clock is proposed upon referral of an application to the agencies, with an additional one-time 90 day extension in rare circumstances. Under the proposed rules, the Executive Branch would complete its review within the 90-day period or notify the Commission no later than the initial 90-day date that it requires additional time for review and, every 30 days thereafter, would notify the Commission on the status of review. The notification would explain why the Executive Branch requires additional time to complete review, along with an estimate of the additional time required. This proposal will help improve the timeliness of review and allow agencies

time to review for national security, law enforcement, foreign policy, or trade policy concerns.

51. The proposed action is authorized under sections 4(i), 4(j), 214, 303, 309, 310 and 413 of the Communications Act as amended, 47 U.S.C. 154(i), 154(j), 214, 303, 309, 310 and 413, and the Cable Landing License Act of 1921, 47 U.S.C. 34 through 39, and Executive Order No. 10530, section 5(a) reprinted as amended in 3 U.S.C. 301.

52. The RFA directs agencies to provide a description of, and, where feasible, an estimate of, the number of small entities that may be affected by the rules adopted herein. Below, we describe and estimate the number of small entity applicants that may be affected by the adopted rules.

1. Wired Telecommunications Carriers.
2. Competitive Local Exchange Carriers (Competitive LECs), Competitive Access Providers (CAPs), Shared-Tenant Service Providers, and Other Local Service Providers.
3. Interexchange Carriers (IXCs).
4. Prepaid Calling Card Providers.
5. Local Resellers.
6. Toll Resellers.
7. Other Toll Carriers.
8. Wireless Telecommunications Carriers (except Satellite).
9. All Other Telecommunications.
10. Satellite Telecommunications and All Other Telecommunications.
11. Radio Broadcasting.

53. The NPRM proposes a number of rule changes that would affect reporting, recordkeeping and other compliance requirements for applicants who file international section 214 authorizations, submarine cable landing licenses or applications to assign or transfer control of such authorizations, and section 310 rulings (common carrier wireless, common carrier satellite earth stations or broadcast) (applicants). The proposed threshold questions request information already routinely asked by the Executive Branch agencies after filing the application but the proposed rules will require applicants with reportable foreign ownership to submit answers to the threshold questions at the time of filing their FCC application. Information requested will be on: Corporate structure and shareholder information; relationship with foreign entities; financial condition and circumstances; compliance with applicable laws and regulations; and business and operational information, including services to be provided and network infrastructure. Applicants would have a time frame by when they need to respond to any follow-up questions relevant to the application. Applicants would also be required to certify that they will comply with the Communications Assistance to Law Enforcement (CALEA); will make communications to, from, or within United States, as well as records thereof, available in a form and location that permits them to be subject to a valid and lawful request or legal process in accordance with U.S. law; certify that applicants would designate a point of contact in the U.S. that is a U.S. citizen or lawful permanent resident; certify that all information at time of submission is accurate and notify when information submitted is no longer accurate; and if an applicant fails to fulfill obligations contained in certifications they will be subject to all remedies available to the United States Government.

54. The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): "(1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rules for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities."

55. In this NPRM, the proposed changes for Executive Branch's review of FCC applications involving foreign ownership would help improve the timeliness and transparency of the review process, thus lessening the burden of the licensing process on all applicants, including small entities. The threshold questions would be publicly available, thus providing transparency and helping expedite Executive Branch's review. The proposed certifications will help reduce the need for routine mitigation, which should facilitate a faster response by the Executive Branch on its review and advance the shared goal of making the Executive Branch review process as efficient as possible. Time frames for review of FCC applications referred to the Executive Branch have also been proposed, which will help prevent unnecessary delays and make the process more efficient and transparent, which ultimately benefits all applicants, including small entities.

56. The NPRM seeks comment from all interested parties. The Commission is aware that some of the proposals under consideration may impact small entities. Small entities are encouraged to bring to the Commission's attention any specific concerns they may have with the proposals outlined in the NPRM.

57. The Commission expects to consider the economic impact on small entities, as identified in comments filed in response to the NPRM, in reaching its final conclusions and taking action in this proceeding.

58. Our proposed rules require applicants to certify that they will comply with federal rules related to assistance to law enforcement. Some of the federal rules that may duplicate with our proposed rules are:

1. Communications Assistance to Law Enforcement Act. 47 U.S.C. 1001 through 10.
2. Wiretap Act. 18 U.S.C. 2510 *et seq.*
3. Stored Communications Act. 18 U.S.C. 2701 *et seq.*
4. Pen Register and Trap and Trace Statute. 18 U.S.C. 3121 *et seq.*

List of Subjects in

47 CFR Part 0

Classified information, Privacy.

47 CFR Part 1

Administrative practice and procedure, Communications common carriers, Telecommunications.

47 CFR Part 63

Communications common carriers, Reporting and recordkeeping requirements.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison Officer, Office of the Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR parts 0, 1, and 63 as follows:

PART 0—COMMISSION ORGANIZATION

■ 1. The authority citation for part 0 continues to read as follows:

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 225, unless otherwise noted.

■ 2. Amend § 0.442 by revising paragraph (d)(3) to read as follows:

§ 0.442 Disclosure to other Federal government agencies of information submitted to the Commission in confidence.

* * * * *

(d) * * *

(3) A party who furnished records to the Commission in confidence will not be afforded prior notice when the

disclosure is made to the Comptroller General of the United States, in the Government Accountability Office. Such a party will instead be notified of disclosure of the records to the Comptroller General either individually or by public notice. No prior notice will be afforded where records have been furnished to the Commission in confidence and shared with the Executive Branch pursuant to § 1.6001 of this chapter.

* * * * *

PART 1—PRACTICE AND PROCEDURE

The authority citation for part 1 is revised to read as follows:

Authority: 15 U.S.C. 79, *et seq.;* 47 U.S.C. 34 through 39, 151, 154(i), 154(j), 155, 157, 160, 201, 225, 227, 303, 309, 332, 1403, 1404, 1451, 1452, and 1455.

■ 3. Amend § 1.767 by revising paragraphs (a)(8)(i), (a)(11)(i), and (j), and by adding paragraph (k)(5) and revising paragraph (l) introductory text to read as follows:

§ 1.767 Cable landing licenses.

(a) * * *

(8) * * *

(i) The place of organization and the information and certifications required in § 63.18 paragraphs (h), (o), (p) and (q) of this chapter.

* * * * *

(11)(i) If applying for authority to assign or transfer control of an interest in a cable system, the applicant shall complete paragraphs (a)(1) through (a)(3) of this section for both the transferor/assignor and the transferee/assignee. Only the transferee/assignee needs to complete paragraphs (a)(8) through (a)(9) of this section. The applicant shall provide the ownership diagram required under paragraph (a)(8)(i) of this section and include both the pre-transaction and post-transaction ownership of the licensee. At the beginning of the application, the applicant should also include a narrative of the means by which the transfer or assignment will take place. The application shall also specify, on a segment specific basis, the percentage of voting and ownership interests being transferred or assigned in the cable system, including in a U.S. cable landing station. The Commission reserves the right to request additional information as to the particulars of the transaction to aid it in making its public interest determination.

* * * * *

(j) On the date of filing with the Commission, the applicant shall also send a complete copy of the application, or any major amendments or other material filings regarding the application, to: U.S. Coordinator, EB/CIP, U.S. Department of State, 2201 C Street NW., Washington, DC 20520–5818; Office of Chief Counsel/NTIA, U.S. Department of Commerce, 14th St. and Constitution Ave. NW., Washington, DC 20230; and Defense Information Systems Agency, ATTN: GC/DO1, 6910 Cooper Avenue, Fort Meade, MD 20755–7088, and shall certify such service on a service list attached to the application or other filing.

(k) * * *

(5) Certifying that all ten percent or greater direct or indirect equity and/or voting interests in the applicant are U.S. citizens or entities organized in the United States.

* * * * *

(l) *Reporting Requirements Applicable to Licensees Affiliated with a Carrier with Market Power in a Cable's Destination Market.* Any licensee that is, or is affiliated with, a carrier with market power in any of the cable's destination countries must comply with the following requirements:

* * * * *

■ 4. Amend § 1.991 by adding paragraphs (l) and (m) to read as follows:

§ 1.991 Contents of petitions for declaratory ruling under the Communications Act of 1934.

* * * * *

(l) Each petitioner subject to a referral to the Executive Branch pursuant to § 1.6001 must file the national security and law enforcement information. The information will include:

(1) Corporate structure and shareholder information;

(2) Relationships with foreign entities;

(3) Financial condition and circumstances;

(4) Compliance with applicable laws and regulations; and

(5) Business and operational information, including services to be provided and network infrastructure. The instructions for submitting the information to be filed are available on the FCC Web site. The required information shall be submitted separately from the petition and shall be filed via an FCC Web site.

(m) Each petitioner shall make the following certifications:

(1) To comply with all applicable Communications Assistance to Law Enforcement Act (CALEA) requirements and related rules and regulations, including any and all FCC orders and opinions governing the application of CALEA and assistance to law enforcement (*see, e.g.,* the Commission's orders in conjunction with ET Docket No. 04–295, Communications Assistance for Law Enforcement Act and Broadband Access and Services and the Commission's rules and regulations in part 1, subpart Z—Communications Assistance for Law Enforcement Act);

(2) To make communications to, from, or within the United States, as well as records thereof, available in a form and location that permits them to be subject to a valid and lawful request or legal process in accordance with U.S. law;

(3) To designate a point of contact located in the United States and who is a U.S. citizen or lawful permanent resident, for the service of the requests and/or valid legal process described in paragraph (m)(2) of this section and the receipt of other communications from the U.S. government;

(4) That all information submitted, whether at the time of submission of the petition or subsequently in response to either Commission or Executive Branch agency request, is substantially accurate and complete in all significant respects to the best of petitioner's knowledge at the time of the submission. While the petition is pending, as defined in § 1.65(a), the petitioner agrees to promptly inform the Commission and, if the petitioner originally submitted the information in response to the request of another Executive Branch agency, that agency, if the information in the application is no longer substantially accurate and complete in all significant respects; and

(5) That the petitioner understands that if the applicant fails to fulfill any of the conditions to the grant of its petition and/or the information provided to the United States Government is materially false, fictitious, or fraudulent, the petitioner may be subject to all remedies available to the United States Government, including but not limited to revocation or termination of the applicant's Commission authorization, and criminal and civil penalties, including penalties under 18 U.S.C. 1001.

■ 5. Add Subpart U to part 1 to read as follows:

Subpart U—Review of Applications, Petitions, and Other Filings With Foreign Ownership by Executive Branch Agencies on National Security, Law Enforcement, Foreign Policy, and Trade Policy Concerns

Sec.
1.6001 Executive Branch review of applications, petitions, and other filings with foreign ownership.

1.6002 Referral of applications, petitions, and other filings with foreign ownership to the Executive Branch agencies for review.
1.6003 Time frames for Executive Branch review of applications, petitions, and other filings with foreign ownership.

§ 1.6001 Executive Branch review of applications, petitions, and other filings with foreign ownership.

(a) The Commission, in its discretion, may refer applications, petitions, and other filings with foreign ownership to the Executive Branch for review for national security, law enforcement, foreign policy, and trade policy concerns.

(b) The Commission will consider any recommendations from the Executive Branch regarding whether a pending matter affects national security, law enforcement, foreign policy and/or trade policy as part of its public interest analysis. The Commission will make an independent decision and will evaluate concerns raised by the Executive Branch in light of all the issues raised in the context of a particular application, petition, or other filing.

§ 1.6002 Referral of applications, petitions, and other filings with foreign ownership to the Executive Branch agencies for review.

(a) The Commission shall refer any applications, petitions, or other filings for which it determines to seek Executive Branch review at the time such application, petition, or other filing is placed on an accepted for filing public notice.

(b) If the Executive Branch does not otherwise notify the Commission by filing in the record for the application, petition, or other filing within the comment period established by the public notice, the Commission will deem that the Executive Branch does not have any national security, law enforcement, foreign policy, and trade policy concerns with the application, petition, or other filing and will act on the application, petition, or other filing as appropriate based on its determination of the public interest.

§ 1.6003 Time frames for Executive Branch review of applications, petitions, and other filings with foreign ownership.

If the Executive Branch notifies the Commission that it needs additional time for its review of the application, petition, or other filing referred in accordance with § 1.6002(b):

(a) The Executive Branch shall notify the Commission by filing in the record for the application, petition, or other filing no later than 90 days from the date of public notice for the application, petition, or other filing whether it:

(1) Has national security, law enforcement, foreign policy, and trade policy concerns with the application, petition or other filing;

(2) Has no concerns;

(3) Has no concerns provided that the grant of the application, petition or other filing is conditioned; or

(4) Needs additional time to review the application, petition, or other filing.

(b) In cases of extraordinary complexity, when the Executive Branch notifies the Commission that it needs more than the 90-day period for review of the application, petition, or other filing under paragraph (a) of this section, the Executive Branch may request a one-time 90-day extension to review the application, petition, or other filing, provided that it:

(1) Explains why it was unable to complete its review within the initial 90-day review period and;

(2) Provides the Commission with updates on the status of its review every 30 days (at the 120-day and 150-day dates after release of the public notice). The Executive Branch must notify the Commission by filing in the record for the application, petition, or other filing no later than 180 days from the date of public notice for the application, petition or other filing whether it:

(i) Has national security, law enforcement, foreign policy, and trade policy concerns with the application, petition, or other filing;

(ii) Has no concerns; or

(iii) Has no concerns if the grant of the application, petition, or other filing is conditioned.

(c)(1) The Executive Branch shall file its notifications as to the status of its review in the public record for the application, petition, or other filing.

(2) In circumstances where the notification of the Executive Branch contains nonpublic information, the Executive Branch shall file a public version of the notification in the public record for the application, petition, or other filing and shall file the nonpublic information with the Commission pursuant to § 0.457 of this chapter.

PART 63—EXTENSION OF LINES, NEW LINES, AND DISCONTINUANCE, REDUCTION, OUTAGE AND IMPAIRMENT OF SERVICE BY COMMON CARRIERS; AND GRANTS OF RECOGNIZED PRIVATE OPERATING AGENCY STATUS

■ 6. The authority citation for part 63 continues to read as follows:

Authority: Sections 1, 4(i), 4(j), 10, 11, 201–205, 214, 218, 403 and 651 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 160, 201 through 205, 214, 218, 403, and 571, unless otherwise noted.

■ 7. Amend § 63.04 by revising paragraph (a)(4) to read as follows:

§ 63.04 Filing procedures for domestic transfer of control applications.

(a) * * *

(4)(i) The name, address, citizenship and principal business of any person or entity that directly or indirectly owns ten percent or more of the equity interests and/or voting interests, or a controlling interest, of the applicant, and the percentage of equity and/or voting interest owned by each of those entities (to the nearest one percent). Where no individual or entity directly or indirectly owns ten percent or more of the equity interests and/or voting interests, or a controlling interest, of the applicant, a statement to that effect.

(ii) An ownership diagram that illustrates the applicant's vertical ownership structure, including the direct and indirect ownership (equity and voting) interests held by the individuals and entities named in response to paragraph (a)(4)(i) of this section. Each such individual or entity shall be depicted in the ownership diagram and all controlling interests labeled as such.

* * * * *

■ 8. Amend § 63.12 by redesignating paragraph (c)(3) as paragraph (c)(4) and add a new paragraph (c)(3) to read as follows:

§ 63.12 Processing of international Section 214 applications.

* * * * *

(c) * * *

(3) An individual or entity that is not a U.S. citizen holds a ten percent or greater direct or indirect equity or voting interest in any applicant; or

* * * * *

■ 9. Amend § 63.18 by revising paragraph (h) and redesignating paragraphs (p), (q) and (r) as paragraphs (r), (s), and (t), and adding new paragraphs (p) and (q) to read as follows:

§ 63.18 Contents of applications for international common carriers.

(h)(1) The name, address, citizenship and principal businesses of any individual or entity that directly or indirectly owns ten percent or more of the equity interests and/or voting interests, or a controlling interest, of the applicant, and the percentage of equity and/or voting interest owned by each of those entities (to the nearest one percent). Where no individual or entity directly or indirectly owns ten percent or more of the equity interests and/or voting interests, or a controlling interest, of the applicant, a statement to that effect.

(2) An ownership diagram that illustrates the applicant's vertical ownership structure, including the direct and indirect ownership (equity and voting) interests held by the individuals and entities named in response to paragraph (h)(1) of this section. Each such individual or entity shall be depicted in the ownership diagram and all controlling interests labeled as such.

(3) The applicant shall also identify any interlocking directorates with a foreign carrier.

Note to paragraph (h): Ownership and other interests in U.S. and foreign carriers will be attributed to their holders and deemed cognizable pursuant to the following criteria: Attribution of ownership interests in a carrier that are held indirectly by any party through one or more intervening corporations will be determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain and application of the relevant attribution benchmark to the resulting product, except that wherever the ownership percentage for any link in the chain that is equal to or exceeds 50 percent or represents actual control, it shall be treated as if it were a 100 percent interest. For example, if A owns 30 percent of company X, which owns 60 percent of company Y, which owns 26 percent of "carrier," then X's interest in "carrier" would be 26 percent (the same as Y's interest because X's interest in Y exceeds 50 percent), and A's interest in "carrier" would be 7.8 percent (0.30 × 0.26 because A's interest in X is less than 50 percent). Under the 25 percent attribution benchmark, X's interest in "carrier" would be cognizable, while A's interest would not be cognizable.

* * * * *

(p) With respect to each applicant for which an individual or entity that is not a U.S. citizen holds a ten percent or greater direct or indirect equity or voting interest in the applicant, file national security and law enforcement information regarding the applicant. The information may include:

(1) Corporate structure and shareholder information;

(2) Relationships with foreign entities;

(3) Financial condition and circumstances;

(4) Compliance with applicable laws and regulations; and

(5) Business and operational information, including services to be provided and network infrastructure. The instructions for submitting the information to be filed are available on the FCC Web site. The required information shall be submitted separately from the application and shall be filed via an FCC Web site.

(q) Each applicant shall make the following certifications:

(1) To comply with all applicable Communications Assistance to Law Enforcement Act (CALEA) requirements and related rules and regulations, including any and all FCC orders and opinions governing the application of CALEA and assistance to law enforcement (*see, e.g.,* the Commission's orders in conjunction with ET Docket No. 04–295, Communications Assistance for Law Enforcement Act and Broadband Access and Services, and the Commission's rules and regulations in part 1, subpart Z of this chapter—Communications Assistance for Law Enforcement Act);

(2) To make communications to, from, or within the United States, as well as records thereof, available in a form and location that permits them to be subject to a valid and lawful request or legal process in accordance with U.S. law;

(3) To designate a point of contact located in the United States and who is a U.S. citizen or lawful permanent resident, for the service of the requests and/or valid legal process described in paragraph (q)(2) of this section and the receipt of other communications from the U.S. government;

(4) That all information submitted, whether at the time of submission of the application or subsequently in response to either Commission or Executive Branch agency request, is substantially accurate and complete in all significant respects to the best of applicant's knowledge at the time of the submission. While the application is pending, as defined in § 1.65(a) of this chapter, the applicant agrees to promptly inform the Commission and, if the applicant originally submitted the information in response to the request of another Executive Branch agency, that agency, if the information in the application is no longer substantially accurate and complete in all significant respects; and

(5) That the applicant understands that if the applicant fails to fulfill any of the conditions to the grant of its application and/or the information provided to the United States Government is materially false, fictitious, or fraudulent, the applicant may be subject to all remedies available to the United States Government, including but not limited to revocation or termination of the applicant's Commission authorization, and criminal and civil penalties, including penalties under 18 U.S.C. 1001.

* * * * *

■ 10. Amend § 63.24 by revising paragraphs (e)(2) and (f)(2)(i) to read as follows:

§ 63.24 Assignments and transfers of control.

* * * * *

(e) * * *

(2) The application shall include the information requested in paragraphs (a) through (d) of § 63.18 for both the transferor/assignor and the transferee/assignee. The information requested in paragraphs (h) through (p) of § 63.18 is required only for the transferee/assignee. The ownership diagram required under § 63.18(h)(2) shall include both the pre-transaction and post-transaction ownership of the authorization holder. At the beginning of the application, the applicant shall include a narrative of the means by which the proposed transfer or assignment will take place.

* * * * *

(f) * * *

(2) * * *

(i) The information requested in paragraphs (a) through (d) and (h) of § 63.18 for the transferee/assignee. The ownership diagram required under § 63.18(h)(2) shall include both the pre-transaction and post-transaction ownership of the authorization holder;

* * * * *

[FR Doc. 2016–16780 Filed 7–18–16; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

RIN 0648–BF54

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Management Area; Amendment 113

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of amendment to fishery management plan; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) has submitted Amendment 113 to the Fishery Management Plan for Groundfish of the Bering Sea and

Aleutian Islands Management Area (FMP) to the Secretary of Commerce (Secretary) for review. If approved, Amendment 113 to the FMP would modify the Bering Sea and Aleutian Islands (BSAI) Pacific cod fishery to set aside a portion of the Aleutian Islands Pacific cod total allowable catch (TAC) for harvest by vessels directed fishing for Aleutian Islands Pacific cod and delivering their catch for processing to shoreside processors located on land west of 170 W. longitude in the Aleutian Islands (Aleutian Islands shoreplants). The harvest set-aside would apply only if specific notification and performance requirements are met, and only during the first few months of the fishing year. This harvest set-aside would provide the opportunity for catcher vessels operating in the Aleutian Islands Pacific cod fishery, Aleutian Islands shoreplants, and the communities where Aleutian Islands shoreplants are located to receive benefits from the Aleutian Islands Pacific cod fishery, while the notification and performance requirements would preserve an opportunity for the complete harvest of the BSAI Pacific cod resource. Amendment 113 is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the FMP, and other applicable laws.

DATES: Submit comments on or before September 19, 2016.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2015–0155, by any one of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0155,* click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.
- *Mail:* Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on *http://www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address) confidential business information, or otherwise sensitive information voluntarily submitted by the commenter will be publicly accessible. NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous).

Electronic copies of Amendment 113 to the FMP and the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (collectively, the "Analysis") prepared for this action may be obtained from *http://www.regulations.gov* or from the Alaska Region Web site at *http://www.alaskafisheries.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Julie Scheurer, 907–586–7228.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that each regional fishery management council submit any fishery management plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval by the Secretary. The Magnuson-Stevens Act also requires that NMFS, upon receiving a fishery management plan amendment, immediately publish a notice in the **Federal Register** announcing that the amendment is available for public review and comment. The Council has submitted Amendment 113 to the Secretary for review. This notice announces that proposed Amendment 113 to the FMP is available for public review and comment.

Amendment 113 to the FMP was adopted by the Council in October 2015. The objective of Amendment 113 is to modify the BSAI Pacific cod fishery to prioritize the harvest of a portion of the Aleutian Islands Pacific cod TAC by catcher vessels directed fishing for Aleutian Islands Pacific cod and delivering their catch for processing to Aleutian Islands shoreplants, thereby supporting social and economic development in the western Aleutian Islands fishing communities in which those vessels operate and shoreplants are located. The harvest set-aside would provide the opportunity for Aleutian Islands catcher vessels, shoreplants, and the communities where Aleutian Islands shoreplants are located to receive benefits from a portion of the Aleutian Islands Pacific cod fishery, while the notification and performance requirements would preserve an opportunity for the complete harvest of the BSAI Pacific cod resource.

A combination of physical, biological, economic, and management factors, such as the relatively low Pacific cod stock abundance in the Aleutian Islands and the potential influx of excess at-sea processing capacity from rationalized fisheries, have affected harvesting and processing opportunities for Pacific cod for some participants in the Aleutian Islands and created the risk that Aleutian Islands fishing communities may not be able to sustain their participation in the Aleutian Islands Pacific cod fishery. The Council determined that Amendment 113 is necessary to provide benefits and stability to fishery-dependent fishing communities in the Aleutian Islands. Amendment 113 is consistent with long-standing policies recommended by the Council and regulations established by NMFS to provide harvesting and processing protections for non-rationalized fisheries and opportunities for fishing communities engaged in fisheries in the Aleutian Islands.

If approved, Amendment 113 would amend four sections of the FMP as described below. First, a new row entitled "Aleutian Islands Catcher Vessel Harvest Set-Aside" would be added to Table ES–2 in the Executive Summary, below the row entitled "Retention and Utilization Requirements", to read, "Under certain conditions, up to five thousand metric tons of the AI Pacific cod TAC (excluding CDQ) is reserved exclusively for harvest by vessels directed fishing for AI Pacific cod and delivering their catch for processing to Aleutian Islands shoreplants west of 170 degrees W. long. from January 1 through March 15." This harvest set-aside would be referred to as the "Aleutian Islands Catcher Vessel Harvest Set-Aside" in regulations.

Second, Amendment 113 would make two modifications in Section 3.2.3.4.3, "Apportionment of Total Allowable Catch". Under subheading "3) Pacific cod", the subheading "C) Seasonal Allocations" would be changed to read "B) Seasonal Allocations". This change would be an editorial correction only. The second change in Section 3.2.3.4.3 would add a new subsection entitled "C) Bering Sea Trawl CV A-Season Sector Limitation" under subheading "3) Pacific cod". This new subsection would state that if the Aleutian Islands Catcher Vessel Harvest Set-Aside is in effect, the trawl CV sector may not catch more than an amount that is equal to the trawl CV sector's A-season Pacific cod allocation minus the lesser of either the Aleutian Islands non-CDQ Pacific cod directed fishing allowance or 5,000 mt in the Bering Sea subarea before March 21.

Third, a new subsection 3.6.5, entitled "Aleutian Islands Catcher Vessel Harvest Set-Aside", would be added at the end of Section 3.6, "Catch Restrictions". This new subsection would include the five main components of the Aleutian Islands Catcher Vessel Harvest Set-Aside:

- First, "Aleutian Islands shoreplant," for purposes of the Aleutian Islands Catcher Vessel Harvest Set-Aside, would be defined to mean a processing facility physically located on land west of 170 degrees W. long.
- In the Aleutian Islands Pacific cod fishery, up to 5,000 mt of the non-CDQ directed fishing allowance would be reserved exclusively for harvest by vessels directed fishing for Aleutian Islands Pacific cod and delivering their catch for processing to Aleutian Islands shoreplants from January 1 until March 15. This exclusive harvest reservation is the "Aleutian Islands Catcher Vessel Harvest Set-Aside." Any amount of the Aleutian Islands Pacific cod non-CDQ directed fishing allowance in excess of the Aleutian Islands Catcher Vessel Harvest Set-Aside would be available for harvest by all non-CDQ sectors with available A-season allocations of Pacific cod and could be processed by any eligible processor.
- If less than 1,000 mt of the Aleutian Islands Catcher Vessel Harvest Set-Aside has been landed at Aleutian Islands shoreplants by February 28, the Bering Sea Trawl CV A-Season Sector Limitation and the Aleutian Islands Catcher Vessel Harvest Set-Aside would be suspended for the remainder of the year.
- Either the City of Adak or the City of Atka would be required to notify NMFS each year of its intent to process Aleutian Islands Pacific cod in the upcoming year for the Aleutian Islands Catcher Vessel Harvest Set-Aside to go into effect. Regulations implementing Amendment 113 will specify the date and the method by which the City of Adak or the City of Atka must notify NMFS. If neither the City of Adak nor the City of Atka notifies NMFS by the annual deadline of its intent to process Aleutian Islands Pacific cod, the Bering Sea Trawl CV A-Season Sector Limitation and the Aleutian Islands Catcher Vessel Harvest Set-Aside for Pacific cod would not apply for the upcoming year.
- If the entire Aleutian Islands non-CDQ Pacific cod directed fishing allowance is harvested prior to March 15, the Bering Sea Trawl CV A-Season Sector Limitation and the Aleutian Islands Catcher Vessel Harvest Set-Aside for Pacific cod would not apply for the remainder of the year.

Finally, a section would be added to Appendix A, summarizing the main provisions of Amendment 113.

The Council considered a range of dates, set-aside amounts, and performance requirements before adopting its preferred alternative for Amendment 113. The Council determined and NMFS agrees that the combination of measures within Amendment 113 would give Aleutian Islands Pacific cod fishery participants and Aleutian Islands shoreplants sufficient opportunity to harvest and process the set-aside for Aleutian Islands Pacific cod. The Council also determined and NMFS agrees that the notification and performance requirements would prevent stranding BSAI Pacific cod TAC and preserve opportunities for the complete harvest of the BSAI Pacific cod resource.

NMFS is soliciting public comments on proposed Amendment 113 through the end of the comment period (see **DATES**). NMFS intends to publish in the **Federal Register** and seek public comment on a proposed rule that would implement Amendment 113, following NMFS' evaluation of the proposed rule under the Magnuson-Stevens Act. All comments received by the end of the comment period on Amendment 113, whether specifically directed to the FMP amendment or the proposed rule, will be considered in the decision to approve or disapprove Amendment 113. Comments received after that date may not be considered in the decision on Amendment 113. To be certain of consideration, comments must be received by NMFS, not just postmarked or otherwise transmitted, by the last day of the comment period.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 14, 2016.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2016–17051 Filed 7–18–16; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 81, No. 138
Tuesday, July 19, 2016

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2016–0032]

Notice of Availability of a Pest Risk Analysis for the Importation of Fresh Star Apple Fruit From Vietnam Into the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: We are advising the public that we have prepared a pest risk analysis that evaluates the risks associated with importation of fresh star apple fruit from Vietnam into the continental United States. Based on the analysis, we have determined that the application of one or more designated phytosanitary measures will be sufficient to mitigate the risks of introducing or disseminating plant pests or noxious weeds via the importation of fresh star apple fruit from Vietnam. We are making the pest risk analysis available to the public for review and comment.

DATES: We will consider all comments that we receive on or before September 19, 2016.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2016-0032.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2016–0032, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2016-0032* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Mr. Tony Román, Senior Regulatory Policy Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (301) 851–2242.

SUPPLEMENTARY INFORMATION: Under the regulations in "Subpart–Fruits and Vegetables" (7 CFR 319.56–1 through 319.56–75, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being introduced into or disseminated within the United States.

Section 319.56–4 contains a performance-based process for approving the importation of certain fruits and vegetables that, based on the findings of a pest risk analysis, can be safely imported subject to one or more of the five designated phytosanitary measures listed in paragraph (b) of that section.

APHIS received a request from the national plant protection organization (NPPO) of Vietnam to allow the importation of fresh star apple fruit (*Chrysophyllum cainito*) into the continental United States. As part of our evaluation of Vietnam's request, we have prepared a pest risk assessment (PRA) to identify pests of quarantine significance that could follow the pathway of importation of fresh star apple fruit into the continental United States from Vietnam. Based on the PRA, a risk management document (RMD) was prepared to identify phytosanitary measures that could be applied to the fresh star apple fruit to mitigate the pest risk. We have concluded that fresh star apple fruit can be safely imported from Vietnam into the continental United States using one or more of the five designated phytosanitary measures listed in § 319.56–4(b). These measures are:

- The fresh star apple fruit must be imported as commercial consignments only;
- Each consignment of fresh star apple fruit must be accompanied by a phytosanitary certificate issued by the NPPO of Vietnam;
- Each consignment of fresh star apple fruit must be treated in accordance with 7 CFR part 305; and
- Each consignment of fresh star apple fruit is subject to inspection upon arrival at the port of entry to the United States.

Therefore, in accordance with § 319.56–4(c), we are announcing the availability of our PRA and RMD for public review and comment. The documents may be viewed on the *Regulations.gov* Web site or in our reading room (see **ADDRESSES** above for a link to *Regulations.gov* and information on the location and hours of the reading room). You may request paper copies of the PRA and RMD by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the subject of the analysis you wish to review when requesting copies.

After reviewing any comments we receive, we will announce our decision regarding the import status of fresh star apple fruit from Vietnam in a subsequent notice. If the overall conclusions of our analysis and the Administrator's determination of risk remain unchanged following our consideration of the comments, then we will authorize the importation of fresh star apple fruit from Vietnam into the continental United States subject to the requirements specified in the RMD.

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 13th day of July 2016.

Jere L. Dick,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2016–16981 Filed 7–18–16; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—FDPIR Nutrition Paraprofessional Training Assessment for Indian Tribal Organizations

AGENCY: Food and Nutrition Service (FNS) United States Department of Agriculture (USDA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This collection is a new information collection for the Food Distribution Program on Indian Reservations.

DATES: Written comments on this notice must be received on or before September 19, 2016.

ADDRESSES: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Akua White, Nutritionist, Nutrition Services and Access Branch USDA, Food and Nutrition Service, 3101 Park Center Drive, Room 508, Alexandria, VA 22302–1500. Comments may also be sent via fax to the attention of Akua White at 703–305–2964 or via email to *Akua.White@fns.usda.gov.* Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans, contact Akua White, Nutritionist, Nutrition Services and Access Branch, USDA, Food and Nutrition Service, 3101 Park Center Drive, Room 508, Alexandria, VA 22301–1500. Fax: 703–305–2964; Email: *Akua.White@fns.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: FDPIR Nutrition Paraprofessional Training Assessment for Indian Tribal Organizations.

Form Number: N/A.

OMB Number: 0584—NEW.

Expiration Date of Approval: Not yet determined.

Type of Information Collection Request: New information collection.

Abstract: The U.S. Department of Agriculture (USDA), Food and Nutrition Service (FNS) administers the Food Distribution Program on Indian Reservations (FDPIR) as an alternative to the Supplemental Nutrition Assistance Program (SNAP), providing USDA-purchased foods (*i.e.,* USDA Foods) to income eligible households on Indian reservations and to Native American families residing in designated areas near reservations and in the State of Oklahoma. As of April 2016, 102 Indian Tribal Organizations (ITOs) and three State Agencies (SAs) administer FDPIR, providing foods to approximately 276 tribes and including just under 93,000 participants. The Food Distribution Division at FNS is considering developing and delivering a nutrition paraprofessional training program for Food Distribution Program on Indian Reservation staff within Indian Tribal Organizations (ITOs). The objective of the FDPIR Nutrition Paraprofessional Training Assessment for Indian Tribal Organizations is to provide FNS with information of the best way to deliver the training to staff. Specifically, the FDPIR Nutrition Paraprofessional Training Assessment for Indian Tribal Organizations will help FNS to:

- Assess interest in a paraprofessional training project
- Determine the nutrition training topics that are most valued by ITOs and FDPIR staff
- Determine the most effective and culturally relevant format for training
- Determine the motivational factors for staff that might influence their participation in nutrition training

The activities to be undertaken subject to this notice include:

- Conducting open-ended interviews with FDPIR directors from 23 ITOs
- Conducting open-ended interviews with key FDPIR staff from these same 23 ITOs
- Conducting open-ended interviews with 15 key stakeholders considered expert representatives of FDPIR, ITOs, and/or experts in nutrition training

Affected Public: State, Local, and Tribal Governments (23 selected ITOs).

Type of Respondents: The total estimated number of respondents is 95. This figure includes 61 respondents and 34 non-respondents. Also included are ITOs on "standby" for the selected ITOs who do not respond or who elect not to participate. Standby ITOs will be contacted in the event that selected ITOs do not respond or choose not to participate.

The initial sample will consist of 36 ITO Directors. Assuming that 80 percent respond to the invitation email, the resulting respondent sample will include approximately 29 ITO Directors. Of the ITO Directors accepting the invitation to participate in telephone interviews, 80 percent (approximately 23) are expected to participate. In-depth interviews will be conducted with the 23 ITO Directors (with an expected 100 percent response rate).

Interviews with ITO Directors will yield a sample of 36 FDPIR Staff. Assuming that 80 percent respond to the invitation email, the resulting respondent sample will include approximately 29 FDPIR Staff. Of the FDPIR Staff accepting the invitation to participate in telephone interviews, 80 percent (approximately 23) are expected to participate. In-depth interviews will be conducted with the 23 FDPIR Staff (with an expected 100 percent response rate).

The initial sample of Key Stakeholders will consist of 23 individuals. Assuming that 65 percent respond to the invitation email, the resulting sample will include approximately 19 individuals. In-depth interviews will be conducted with the 15 Key Stakeholders (with an expected response rate of 80 percent). The 34 non-respondents include 13 ITO Directors, 13 FDPIR Staff, and 8 Key Stakeholders.

Estimated Number Total Annual Respondents and Non-Respondents: 95.

Estimated Total Annual Responses: 251 (183 responses and 68 non-responses).

Estimated Average Annual Frequency of Response (including non-response): 1.92 (183 responses/95 respondents).

Estimate of Time per Response: Burden per response (including responses from respondents participating in part and in full and the non-respondents) in this data collection is an estimated grand average of 0.51 (93.9 total burden hours/183 total responses). For the respondents, the average time per response is 0.52 (95 burden hours/183 responses) This estimates ninety (90) minutes per interview including fifteen (15) minutes for notification, scheduling, and interview instrument review; sixty (60) minutes for interviews per FDPIR director, staff member, and key stakeholder; and fifteen (15) minutes for follow-up and thank you emails. For the non-respondents, the average time per non-response is 0.05 (3.1 burden hours/ 68 non-responses). This estimates three (3) minutes per non-response for each data collection activity including pre-interview notification, interview and post-interview thank you emails for each category of non-respondents.

Estimated Total Annual Burden (including respondents and non-respondents): 93.90 hours.

Table 1: Estimated annual burden for FDPIR Nutrition Paraprofessional Training Assessment

				RESPONDENTS					NON-RESPONDENTS					
Affected Public	Respondent Type	Data Collection Activity	Total Sample Size	Number of Respondents	Frequency of Response	Total Annual Responses	Average Time per Response	Total Annual Burden Estimate (Hours)	Estimated Number of Non-respondents	Frequency of Non-Response	Total Annual Non-Responses	Average Time Per Non-Response (Hours)	Total Annual Burden Estimate (Hours)	Grand Total Burden Estimate (Hours)
State, Local or Tribal Agencies	FDPIR Directors	Pre-interview notification	36	23	1	23	0.25	5.75	13	1	13	0.05	0.65	5.9
		Pre-interview notification (participants on standby)	29	0	1	0	0	0	7	1	7	0.05	0.35	0.35
		Interviews	29	23	1	23	1.00	23.00	6	1	6	0.05	0.30	23.30
		Post-interview thank you emails	23	23	1	23	0.25	5.75	0	1	0	0.05	0.00	5.75
	FDPIR Staff	Pre-interview notification	36	23	1	23	0.25	5.25	13	1	13	0.05	0.65	5.9
		Pre-interview notification (Participants on standby)	29	0	1	0	0	0	7	1	7	0.05	0.35	0.35
		Interviews	29	23	1	23	1.00	23.00	6	1	6	0.05	0.3	23.3
		Post-interview thank you emails	23	23	1	23	0.25	5.75	0	1	0	0.05	0.00	5.75
	Key Stakeholders	Pre-interview notification	23	15	1	15	0.25	3.75	8	1	8	0.05	0.40	4.15
		Pre-interview notification /Participants on standby)	19	0	1	0	0	0	4	1	4	0.05	0.2	0.2
		Interviews	19	15	1	15	1.00	15.00	4	1	4	0.05	0.20	15.20
		Post-interview thank you emails	15	15	1	15	0.25	3.75	0	1	0	0.05	0.00	3.75
Totals			95	61	1	183	4.5	91	34	1	68	0.05	3.1	93.90

Dated: July 6, 2016.

Telora T. Dean,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 2016–17066 Filed 7–18–16; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

[0596–AD16]

Final Directive for National Saw Program

AGENCY: Forest Service, USDA.

ACTION: Notice of final directive.

SUMMARY: The Forest Service is publishing a final directive revising Forest Service Manual (FSM) 2350 to establish training, evaluation, and certification requirements for the use of chain saws and crosscut saws on National Forest System (NFS) lands. In addition, the Agency is revising Forest Service Handbook (FSH) 6709.11, section 22.48 (Safety Handbook), to remove duplicate text. The final directive applies to the use of chain saws and crosscut saws by Forest Service and other governmental employees, volunteers, training consultants, and cooperators on NFS lands.

DATES: The final directive is effective July 19, 2016.

ADDRESSES: The record for this final directive is available for inspection and copying at the office of the Director, Recreation, Heritage, and Volunteer Resources Staff, USDA, Forest Service, 5th Floor, Sidney R. Yates Federal Building, 1400 Independence Avenue SW., Washington, DC, during regular business hours (8:30 a.m. to 4:00 p.m.) Monday through Friday, except holidays. Those wishing to inspect these documents are encouraged to call ahead at (202) 205–1227 to facilitate access to the building.

FOR FURTHER INFORMATION CONTACT: Jonathan Stephens, National Trails Program Manager, (202) 205–1701 or *jstephens02@fs.fed.us.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service at (800) 877–8339 between 8:00 a.m. and 8:00 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION:

1. Background and Need for the Final Directive

Beginning in the 1970s, the Forest Service's nine regions developed regional policies related to sawyer training and saw use. Sawyers covered by those policies often maintained trails on national forests and grasslands, helped fight wildfires, and worked in wilderness where crosscut saws are required. Forest Service and other governmental employees, cooperators, training consultants, and volunteers who worked in more than one region had to comply with multiple regional policies, and certifications obtained in one region were not always honored in another.

A national saw directive is needed to standardize training, evaluation, certification, and safety procedures for sawyers operating on NFS lands. The final directive will allow the Forest Service to facilitate the safe use of chain saws and crosscut saws while optimizing the critical skills and cooperative opportunities for trail maintenance and other projects on NFS lands. The final directive will be codified in Forest Service Manual (FSM) 2358 and will supersede duplicative text in the Health and Safety Code Handbook, Forest Service Handbook (FSH) 6709.11, chapter 20, and all Forest Service Regional Supplements to that Handbook.

2. Overview of the Final Directive

The following provides an overview of the final directive for the Forest Service's National Saw Program.

Training, Evaluation, and Certification. Under the final directive, the Forest Service will allow the use of chain saws and crosscut saws on NFS lands by Agency and other governmental employees, volunteers, training consultants, and cooperators upon the successful completion of sawyer training and field evaluation, the prerequisites to obtain a National Sawyer Certification Card, and any other specified qualifications to perform assigned saw work safely, including current training on first aid and cardiopulmonary resuscitation (CPR). Sawyers will receive one or more of six skill level certifications upon successful completion of required sawyer training and a field proficiency evaluation. The issuance of a National Sawyer Certification Card documents the sawyer's skill level certification and qualifies the sawyer to work on NFS lands within the qualifications indicated on the card. A Crosscut Sawyer Trainee may occasionally use a crosscut saw, but for bucking only (bucking is sawing logs and limbs into shorter lengths) and only under the immediate supervision of a certified higher qualified sawyer.

Forest Service Cooperators. Forest Service agreements with cooperators (other than those working under interagency fire management cooperative agreements) will include a clause requiring cooperators' employees, participants, and volunteers who will use chain saws or crosscut saws on NFS lands under their agreement to be trained, evaluated, and certified in accordance with this final directive. The clause will also provide that cooperators will be responsible for providing the training, evaluation, and certification, unless the Forest Service and the cooperator determine it is not in the best interest of the partnership. In these circumstances, the Forest Service, upon request and based on availability of Agency funding and personnel, may assist with developing and conducting the training, evaluation, and certification. Cooperators may take Nationally Recognized Sawyer Training Courses (NRSTCs) offered by the Forest Service or may train, evaluate, and certify their volunteers, participants, and employees through NRSTCs offered by Forest Service-recommended cooperator sawyer evaluators and sawyer instructors. This clause will be included in new cooperator agreements involving the use of chain saws or crosscut saws upon publication of the final directive. The clause will be included in existing cooperator agreements involving the use of chain saws or crosscut saws when modifications to the agreements are necessary, *e.g.,* for additional funding or extensions. Cooperators will not have to comply with the clause for 1 year following publication of the final directive to give them time to meet the new requirements.

Scope of Certification. Sawyers will be precluded from performing saw activities outside the limits of their certification or qualifications, except during formal evaluation proceedings or under the immediate supervision of a higher qualified sawyer.

No Guarantee of Certification. Completion of classroom, field proficiency, and evaluation requirements does not guarantee a certification.

Minimum Eligible Sawyer Age. Sawyers must comply with United States Department of Labor minimum age requirements. Those standards, as applied to sawyers performing trail maintenance, require that sawyers using chain saws be at least 18 years of age and that crosscut sawyers be at least 16 years of age.

National Sawyer Database. The Forest Service is developing a web-based database to track Forest Service sawyer certifications nationwide. The name of the sawyer, contact information, and certification level will be entered into the database and will be accessible by authorized Forest Service employees, training consultants, volunteers, and cooperators. The system will allow the Forest Service and cooperators to verify that employees, volunteers, training consultants, and cooperators intending to operate chain saws and crosscut saws on NFS lands have met the requirements of the final directive to achieve their specific sawyer certification skill level. The database will provide a centralized record of sawyers and their qualifications, thereby facilitating consistent and efficient management of the Forest Service's National Saw Program.

Information Collection Requirements. The Forest Service has developed two forms for evaluating sawyers, one for chain saw sawyers and one for crosscut saw sawyers. In accordance with 5 CFR 1320.3(h)(1), these forms do not entail an information collection. They merely require sawyers who are being evaluated to affirm that they have completed and will maintain first aid and CPR training, and to indicate whether they give the Forest Service permission to share their sawyer qualifications and add their email address to a mailing list shared with other Federal agencies and non-Federal organizations so that they can be contacted about saw project opportunities in their area. Furthermore, in accordance with 5 CFR 1320.3(h)(7), the evaluation forms do not entail an information collection to the extent they document examinations designed to test the aptitude, abilities, or knowledge of the persons tested and involve the collection of information for identification or classification in connection with those examinations. The National Sawyer Certification Card does not entail an information collection, as it is completed by the Forest Service without any additional information from the public beyond what is collected on the sawyer evaluation forms.

3. Response to Comments on the Proposed Directive

On June 17, 2015, the Forest Service published notice of a proposed directive in the **Federal Register** (80 FR 34610) establishing guidance for the Forest Service's National Saw Program (RIN 0596–AC82). Comments were solicited for 60 days, and the comment period ended on August 17, 2015. The Agency received 59 letters or emails commenting on the proposed directive from the following: Trail partner organizations (11); equestrian groups (5); motorized trail organizations (5); Youth Conservation Corps (5); environmental groups (2); State agency (1); and individuals (30). The Agency conducted outreach to tribal interests. The Agency did not receive any comments from tribal interests.

General Comments

Comment: Three respondents expressed opposition to establishment of a national Forest Service saw program.

Response: Beginning in the 1970s, the Forest Service's nine regions developed regional policies related to sawyer training and saw use. Sawyers covered by those policies often maintained trails on national forests and grasslands, helped fight wildfires, and worked in wilderness where crosscut saws are required. Forest Service and other governmental employees, cooperators, training consultants, and volunteers who worked in more than one region had to comply with multiple regional policies, and certifications obtained in one region were not always honored in another. A national saw directive is needed to standardize training, evaluation, certification, and safety procedures for sawyers operating on NFS lands. The final directive will allow the Forest Service to facilitate the safe use of chain saws and crosscut saws while optimizing the critical skills and cooperative opportunities for trail maintenance and other projects on NFS lands.

Comment: Coordination among Federal land managers was a concern for several commenters.

Response: The Forest Service is one of the few federal land managers to require training, evaluation, and certification of sawyers. Most commenters who addressed interagency coordination were concerned about forthcoming National Park Service policy on use of saws and how that policy and the proposed directive would affect maintenance of national trails traversing lands under the jurisdiction of the National Park Service and the Forest Service. Both Federal agencies are aware of this concern, and interagency coordination is ongoing. The Forest Service will continue working with other Federal land management agencies to maximize consistency in use of chain saws and crosscut saws on Federal lands.

FSM 2300, Chapter 2350—Trail, River, and Similar Recreation Opportunities

Comment: Several organizations have requested that this final directive be issued under FSM 6700, Safety and Health Program.

Response: In November 2008, then Forest Service Chief Abigail Kimball realigned several activities from the Office of Safety and Occupational Health (OSOH) to other program areas. Each of these activities involves program areas other than safety and occupational health. The realigned activities and associated program areas include:

- Explosives and Blasting Materials–Engineering
- Use of Chain Saws and Crosscut Saws–Recreation, Heritage, and Volunteer Resources
- Scientific Diving–Research and Development
- Tree Climbing–Forest Management

The final directive will be incorporated into FSM 2358. FSM 2358 will contain cross-references to FSM 6700, where appropriate. The National Saw Program Manager will work with Safety and Occupational Health staff as well as other Agency staff to administer the final directive effectively in the context of other Agency programs.

Section 2358.02—Objective

Comment: Some cooperators expressed concerned that the proposed directive did not place enough emphasis on supporting the development of volunteer sawyer instructors and sawyer evaluators.

Response: In the final directive, the Agency revised the objective section, FSM 2358.02, to support "the development of stand-alone cooperator and volunteer training and certification programs for sawyer instructors and sawyer evaluators."

Section 2358.03—Policy

Comment: One respondent requested clarification regarding applicability of the proposed directive to Job Corps Center employees and students.

Response: All Job Corps Centers run by the Forest Service (known as Job Corps Civilian Conservation Centers) are subject to Forest Service directives, including the final directive. Other Job Corps Centers are considered cooperators with the Forest Service and will be required to follow this final directive when using chain saws or crosscut saws on NFS lands under an agreement with the Forest Service. Students at both Forest Service-run and non-Forest Service-run Job Corps Centers using chain saws or crosscut saws on NFS lands would be considered Public Lands Corps (PLC) participants per the PLC Act of 1993, 16 U.S.C. 1721 *et seq.*, and would be required to follow this directive. The responsible official for implementing the final directive at Job Corps Centers is the Job Corps Center Director. The responsible official for implementing the final directive in a Forest Service administrative unit would be the forest or grassland supervisor for that unit.

Comment: Several cooperators expressed concern about how their existing agreements with the Forest Service and sawyer training programs would be affected by the proposed directive. Cooperators were also concerned about having six categories of certification and asked whether they would have to have these categories if they already had other certification standards in place.

Response: Forest Service agreements with cooperators (other than those working under interagency fire management cooperative agreements) will include a clause requiring cooperators' employees, participants, and volunteers who will use chain saws or crosscut saws on NFS lands under their agreement to be trained, evaluated, and certified in accordance with this final directive. The clause will also provide that cooperators will be responsible for providing the training, evaluation, and certification, unless the Forest Service and the cooperator determine it is not in the best interest of the partnership. In these circumstances, the Forest Service, upon request and based on availability of Agency funding and personnel, may assist with developing and conducting the training, evaluation, and certification. Cooperators may take NRSTCs offered by the Forest Service or may train, evaluate, and certify their volunteers, participants, and employees through NRSTCs offered by Forest Service-recommended cooperator sawyer evaluators and sawyer instructors. This clause will be included in new cooperator agreements involving the use of chain saws or crosscut saws upon publication of the final directive. The clause will be included in existing cooperator agreements involving the use of chain saws or crosscut saws when modifications to the agreements are necessary, *e.g.,* for additional funding or extensions. Cooperators will not have to comply with the clause for 1 year following publication of the final directive to give them time to meet the new requirements.

The Forest Service will review cooperators' existing and new sawyer training, evaluation, and certification programs to determine if they comply with the final directive. The process for review is enumerated in the Forest Service Saw Operations Guide (FSSOG), which will be issued at the same time as the final directive and which will be available at *http://www.fs.fed.us/about-agency/regulations-policies/saw-policy.* Requests to review existing training, evaluation, and certification programs will receive priority over requests to review new programs.

Comment: Several respondents recommended that the Agency decrease the minimum age for crosscut sawyers from 16 years of age to 14 years of age.

Response: The Agency recognizes the opportunity to foster a new generation of trail stewards, and crosscut saw use is essential to trail maintenance. Sawyers must comply with United States Department of Labor minimum age requirements. Those standards, as applied to sawyers performing trail maintenance, require that sawyers using chain saws be at least 18 years of age and that crosscut sawyers be at least 16 years of age.

Section 2358.04—Responsibility

Comment: Several commenters requested that cooperators be considered federal contractors apparently so that they could be exempt from the requirements of the proposed directive.

Response: Like Forest Service and other governmental employees, cooperators, volunteers, and training consultants, Forest Service contractors are subject to applicable Federal Occupational Safety and Health Administration requirements governing the use of saws. However, Forest Service contractors are not subject to the national saw directive because the Agency does not believe it is necessary or appropriate to track their training and certification as sawyers given their role and responsibilities as Federal contractors. Forest Service cooperators and volunteers have different roles and responsibilities from Federal contractors and are not considered Federal contractors.

Section 2358.04b—National Saw Program Manager

Comment: Several commenters were concerned about whether the National Saw Program Manager's position would be retained by the Forest Service.

Response: The Forest Service is committed to supporting this position, which is critical to the success of National Saw Program. One of the National Saw Program Manager's most important initial responsibilities will be assisting Forest Service administrative units, volunteers, and cooperators with consistent and effective implementation of the final directive.

FSM 2358.04c—Technical Advisory Group (TAG)

Comment: Several organizations expressed interest in being a member of the TAG.

Response: The TAG consists of the National Saw Program Manager, Regional Saw Program Managers, a representative from the Forest Service Technology and Development Centers, and other Federal agency saw and safety-related subject matter experts. The purpose of the TAG is to develop, coordinate, and provide advice and guidance to the National Saw Program Manager in connection with training, skills, and safety for all aspects of chain saw and crosscut saw operations on NFS lands. Individuals and individual partner organizations may meet with the TAG to provide input on sawyer training, skills, and safety.

Section 2358.1—Exhibit 02, Sawyer Responsibilities and Limitations and Training, Knowledge, and Skill Requirements

Comment: Several respondents expressed concern about limiting sawyers to bucking only (sawing logs and limbs into shorter lengths). Some respondents believed that C Sawyers—Bucking Only should be able to certify other sawyers.

Response: C Sawyers—Bucking Only may conduct formal instruction within their skill level for A and B Sawyers. C Sawyers—Bucking Only may also conduct field proficiency evaluations within their skill level for A Sawyers and B Sawyers—Bucking Only. *See* FSM 2358.1, ex. 02, B Sawyers—Bucking Only, Responsibilities and Limitations.

Comment: Several respondents expressed concern about the need for two C Sawyer Evaluators to determine proficiency of C Sawyers—Bucking Only and identified an inconsistency in the number of C Sawyer Evaluators necessary for certification of C Sawyers—Bucking Only between FSM 2358.1, exhibit 02, and FSM 2358.1, exhibit 06.

Response: In the final directive, only one C Sawyer Evaluator is necessary for certification of C Sawyers—Bucking Only, and both FSM 2358.1, exhibit 02, and FSM 2358.3, exhibit 06, so provide.

Comment: Several commenters expressed concerned about eliminating diameter at breast height (DBH) limitations and the subjectivity involved in assessing the complexity of sawing tasks in sawyer evaluations.

Response: Based on input from experienced Forest Service sawyers, the Agency has determined that DBH restrictions are not an adequate way to judge how much risk sawyers will encounter. Moreover, the Agency does not agree that larger trees are more risky or complex. Many recent accidents involving sawyers striking others or being struck themselves have occurred with smaller-diameter trees. At this time, the Forest Service believes it has addressed the complexity of sawing tasks as precisely as possible and will rely on its most qualified staff to refine the many elements of complexity through implementation of the National Saw Program. The Agency is considering establishing indicators for levels of complexity, but field-testing of this approach is required to determine its efficacy. Definitions of terms associated with complexity of sawing tasks will be provided through FSSOG updates.

Comment: Some commenters were concerned that the reevaluation standards for sawyer instructors and sawyer evaluators were either ambiguous or too subjective.

Response: Reevaluation standards for sawyer instructors and sawyer evaluators are enumerated in FSM 2358.1, exhibit 02. The final directive includes additional requirements for sawyer instructors and sawyer evaluators in FSM 2358.21, paragraphs 3 and 4.

Section 2358.04l—Sawyer Evaluators

Comment: Many cooperators were concerned about access to the National Sawyer Database.

Response: The Forest Service recognizes that direct access to this database by cooperators is paramount to the success of the National Saw Program. Therefore, implementation of the database will be delayed until that access can be secured. The Forest Service is developing a web-based database to track Forest Service sawyer certifications nationwide. The database will provide a centralized record of sawyers and their qualifications, thereby facilitating consistent and efficient management of the National Saw Program. The name of the sawyer, contact information, and certification level will be entered into the database and will be accessible by authorized Forest Service and cooperator employees. The system will allow the Forest Service and cooperators to verify that employees, volunteers, training consultants, and cooperators intending to operate chain saws and crosscut saws on NFS lands have met the requirements of the final directive to achieve the requisite certification level.

Section 2358.05—Definitions

Comment: Several respondents were unsure of the difference between the terms "brush" and "tree."

Response: The final directive includes definitions that iterate the difference between these terms.

Section 2358.1—Training, Knowledge, and Skill Requirements

Comment: Several respondents commented about training, including access to training for volunteers and the elimination of total estimated hours of training needed for each certification level in FSM 2358.1, exhibit 02.

Response: The Forest Service recognizes the benefit of volunteers and will provide training support to the extent feasible. One of the objectives of this final directive is to enable larger volunteer organizations and other partners to develop their own sawyer training, evaluation, and certification programs, which should enable more people to use chain saws and crosscut saws on NFS lands. Inclusion of the total estimated hours of training needed for each certification level is necessary to help participants understand the time commitment needed and provide consistency for program implementation.

Comment: A respondent suggested removing the requirement for first aid and CPR certification for crosscut sawyer trainees. Several respondents objected to the restriction to double bucking for crosscut sawyer trainees and requested that single bucking under the supervision of another qualified sawyer be allowed for crosscut sawyer trainees.

Response: Based upon further review, the Forest Service agrees that it makes sense to waive the requirement for first aid and CPR certification for crosscut sawyer trainees and has removed the requirement from FSM 2358.1, exhibit 02, in the final directive. In addition, the Forest Service agrees that single bucking under the supervision of another qualified sawyer should be allowed for crosscut sawyer trainees and has revised FSM 2358.1, exhibit 02, in the final directive accordingly.

Section 2358.2—Sawyer Training and Field Proficiency Reevaluation

Comment: Several commenters were concerned that a 3-year sawyer reevaluation cycle would not be followed by forests or regions.

Response: This national saw directive will supersede all previous regional saw policies. The 3-year reevaluation requirement will ensure that sawyers are evaluated consistently throughout the NFS. If a sawyer evaluator is concerned about a particular sawyer's performance, the sawyer evaluator can require a more frequent evaluation of that sawyer, per FSM 2358.21 in the final directive.

Comment: Some commenters were concerned that implementation of a national saw directive would adversely affect sawyer training at local levels and would increase saw incidents and injuries.

Response: Beginning in the 1970s, the Forest Service's nine regions developed regional policies related to sawyer training and saw use. Sawyers covered by those policies often maintained trails on national forests and grasslands, helped fight wildfires, and worked in wilderness where crosscut saws are required. Forest Service and other governmental employees, cooperators, training consultants, and volunteers who worked in more than one region had to comply with multiple regional policies, and certifications obtained in one region were not always honored in another. A national saw directive is needed to standardize training, evaluation, certification, and safety procedures for sawyers operating on NFS lands. The final directive will allow the Forest Service to facilitate the safe use of chain saws and crosscut saws while optimizing the critical skills and cooperative opportunities for trail maintenance and other projects on NFS lands.

Section 2358.3—Exhibits 03 and 04, Sawyer Training and Field Evaluation for Chain Saws and Crosscut Saws

Comment: Some commenters expressed concerns about the design of the sawyer training and field evaluation forms and confusion over how to use them.

Response: These forms will be used to document sawyer training and field evaluation and are designed to capture the sawyer's performance while undertaking any sawing task. If sawyers only intend to brush, limb, and buck, then only these sections of the form should be completed during the evaluation. The felling section should not be completed if the sawyer will not be felling.

Section 2358.3—Exhibit 05, National Sawyer Certification Card

Comment: Commenters were unclear regarding the notations that will be made on the National Sawyer Certification Card.

Response: This credential will be issued through the National Sawyer Database. The sawyer's name and address will be the only information that can be entered on the card. The type of sawyer and certification level will be selected from drop-down boxes or buttons. The card format is under development, but will be designed to fit in a wallet.

4. Regulatory Certifications

Environmental Impact

This final directive revises the administrative policies and procedures for using crosscut saws and chain saws on NFS lands. Agency regulations at 36 CFR 220.6(d)(2) exclude from documentation in an environmental assessment or impact statement "rules, regulations, or policies to establish Service-wide administrative procedures, program processes, or instructions." The Agency has concluded that this final directive falls within this category of actions and that no extraordinary circumstances exist which would require preparation of an environmental assessment or environmental impact statement.

Regulatory Impact

Per Executive Order (E.O.) 12866, the Office of Management and Budget (OMB) has determined that the final directive is not significant. This final directive, which establishes the Forest Service's National Saw Program, will not have an annual effect of $100 million or more on the economy, nor will it adversely affect productivity, competition, jobs, the environment, public health and safety, or State or local governments. This final directive will not interfere with an action taken or planned by another agency, nor will it raise new legal or policy issues. The final directive also will not alter the budgetary impact of entitlement, grant, user fee, or loan programs or the rights and obligations of beneficiaries of those programs.

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The E.O. directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. The Agency has developed the final directive consistent with these requirements.

Regulatory Flexibility Act and E.O. 13272

The Agency has considered this final directive in light of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), and E.O. 13272 regarding consideration of small entities. The Agency certifies that the final directive will not have a significant economic effect on a substantial number of small entities under these authorities. The final directive will not impose recordkeeping requirements on small entities; it will not affect their competitive position in relation to large entities; and it will not affect their cash flow, liquidity, or ability to remain in the market. The final directive focuses on NFS saw program activities and will impose no requirements on small or large entities.

Unfunded Mandates Reform Act

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Agency has assessed the effects of this final directive on State, local, and Tribal governments and the private sector. The final directive will not compel the expenditure of $100 million or more by any State, local, or Tribal government or anyone in the private sector. Therefore, a statement under section 202 of the act is not required.

No Takings Implications (E.O. 12630)

The Agency has analyzed the final directive in accordance with the principles and criteria contained in E.O. 12630. The Agency has determined that the final directive will not pose the risk of a taking of private property. A takings implication assessment is therefore not required.

Federalism (E.O. 13132)

The Agency has considered this final directive under the requirements of E.O. 13132 and has determined that the final directive conforms with the federalism principles set out in this E.O.; will not impose any compliance costs on the States; and will not have substantial direct effects on the States, the relationship between the Federal Government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, the Agency has determined that no further assessment of federalism implications is necessary.

Civil Justice Reform (E.O. 12988)

The final directive has been reviewed under E.O. 12988, entitled "Civil Justice Reform." Upon adoption of the final directive, (1) all State and local laws and regulations that conflict with the final directive or that impede its full implementation will be preempted; (2) no retroactive effect will be given to the final directive; and (3) administrative proceedings will not be required before parties may file suit in court to challenge its provisions.

Consultation and Coordination With Indian Tribal Governments (E.O. 13175)

In accordance with E.O. 13175, entitled "Consultation and Coordination with Indian Tribal Governments"; USDA Departmental Regulation 1350–02 (Tribal Consultation, Coordination and Collaboration); and Forest Service Handbook 1509.13, Chapter 10 (Consultation with Indian Tribes and Alaska Native Corporations), the Agency conducted outreach to Tribes to determine their interest in consulting on the proposed directive during the public comment period. The opportunity for tribal consultation was available for 90 additional days after the close of the public comment period, giving Tribes 150 days to review the proposed directive and request consultation. No interest in consultation was expressed by Tribes or tribal organizations during the outreach period. Opportunities to engage Tribes regarding implementation of the final directive will be explored, including information-sharing via Web sites and notices to major tribal organizations with an interest in the use of chain saws and crosscut saws on NFS lands. Tribes interested in requesting information about the final directive may contact Jonathan Stephens by email at *jstephens02@fs.fed.us* or by telephone at (202) 205–1701. In addition, Forest Service regional offices have information on the final directive to guide information-sharing with Tribes in their regions.

Paperwork Reduction Act

The final directive does not contain any recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320 that are not already required by law or not already approved for use. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR part 1320 do not apply.

Effects on the Energy Supply (E.O. 13211)

The Agency has reviewed the final directive under E.O. 13211 and has determined that the final directive is not a significant energy action as defined in the E.O. Therefore, a statement of energy effects is not required.

Dated: July 6, 2016.

Thomas L. Tidwell,

Chief, U.S. Forest Service.

[FR Doc. 2016–16977 Filed 7–18–16; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Designation for the West Sacramento, CA; and Richmond, VA Areas

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: GIPSA is announcing the designation of California Agri Inspection Co., Ltd. (California Agri); and Virginia Department of Agriculture and Consumer Services (Virginia) to provide official services under the United States Grain Standards Act (USGSA), as amended.

DATES: *Effective Date:* January 1, 2016.

ADDRESSES: Sharon Lathrop, Compliance Officer, USDA, GIPSA, FGIS, QACD, 10383 North Ambassador Drive, Kansas City, MO 64153.

FOR FURTHER INFORMATION CONTACT: Sharon Lathrop, 816–891–0415, *Sharon.L.Lathrop@usda.gov* or *FGIS.QACD@usda.gov.*

Read Applications: All applications and comments are available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

SUPPLEMENTARY INFORMATION: In the July 1, 2015, **Federal Register** (80 FR 37580), GIPSA requested applications for designation to provide official services in the geographic areas presently serviced by California Agri and Virginia. Applications were due by July 31, 2015.

The current official agencies, California Agri and Virginia, were the only applicants for designation to provide official services in these areas. As a result, GIPSA did not ask for additional comments.

GIPSA evaluated the designation criteria in section 79(f) of the USGSA (7 U.S.C. 79(f)) and determined that California Agri and Virginia are qualified to provide official services in the geographic areas specified in the **Federal Register** on July 1, 2015. This designation to provide official services in the specified areas of California and Virginia is effective January 1, 2016, to December 31, 2018.

Interested persons may obtain official services by contacting these agencies at the following telephone numbers:

Official agency	Headquarters location and telephone	Designation start	Designation end
California Agri	West Sacramento, CA 916–374–9700	1/1/2016	12/31/2018
Virginia	Richmond, VA 804–786–3501	1/1/2016	12/31/2018

Section 79(f) of the USGSA authorizes the Secretary to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79 (f)).

Larry Mitchell,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2016–16982 Filed 7–18–16; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; 2017 Puerto Rico Census Test

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: To ensure consideration, written comments must be submitted on or before September 19, 2016.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *jjessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Robin A. Pennington, Census Bureau, HQ–2K281N, Washington, DC 20233; (301) 763–8132 (or via email at *robin.a.pennington@census.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau will conduct a 2017 Puerto Rico Census Test, with components designed to test new approaches or validate existing approaches and systems integration related to (1) Address Canvassing, including In-Office and In-Field components; (2) Optimizing Self-Response, including contact strategies, language support, and questionnaire content; (3) Update Enumerate, including technical and operational testing; and (4) Nonresponse Followup, including technological and operational improvements. The Address Canvassing component of the 2017 Puerto Rico Census Test is included in the Address Canvassing Testing package because the background, description, and systems to be used are the same in both the stateside and Puerto Rico operations.

Optimizing Self-Response, one of four key innovation areas for the 2020 Census, is focused on improving our methods for increasing the number of people who take advantage of self-response options and refining the questionnaire content to increase the efficiency and effectiveness of census operations, and at the same time reducing costs.

Another key innovation area for the 2020 Census is Reengineering Field Operations. Making our methods for enumerating the households that do not initially respond more efficient can contribute to a less costly census while maintaining high-quality results. Our redesigned methods need to be tested in Puerto Rico because of a number of differences from stateside operations.

A test in Puerto Rico includes a review of other innovations that are unique to this U.S. territory. Because of the unique structure of addresses in Puerto Rico, newly defined algorithms were necessary to update and maintain the address frame. These algorithms make it now possible to refresh the address frame with U.S. Postal Service data. Another innovation is the introduction of the self-response methodology that in the past has been the standard methodology used in urban and suburban areas of the States. In the 2000 and 2010 censuses, data collection throughout Puerto Rico used only the

Update/Leave methodology that is usually reserved for more rural areas stateside (in particular, in areas where mail is not delivered to houses, or where street name/house number addresses are not common). With a more accurate address frame of Puerto Rico's addresses, this test will indicate how effectively and where the innovations of the reengineering of address canvassing and the optimizing of self-response can be applied.

Optimizing Self-Response

The 2017 Puerto Rico Census Test is designed to evaluate several strategies to optimize the rate at which the public self-responds to the census. A higher rate of self-response will mean fewer cases for the Nonresponse Follow-up operation, saving taxpayer money by reducing costs. For the first time in Puerto Rico, the Census Bureau is introducing both a mail contact strategy and an Internet response strategy. The Census Bureau began testing both strategies in Puerto Rico for the 2015 National Content Test and will continue to test these strategies in the *municipios* selected for the 2017 Census Tests.

Internet Push is the primary mail contact strategy proposed for the stateside 2020 Census and has been used in Census Bureau research and testing efforts since 2012. *Internet Choice* includes a paper questionnaire in the first mailing, along with an invitation to complete the questionnaire online, providing a choice of Internet or paper from the beginning of the contact strategy.

We plan to study the following in the 2017 Puerto Rico Census Test:

- Comparing the self-response rates for the "Choice" panel and the Internet instrument uptake rates, where we invite the respondent to use the Internet in the initial letter mailing ("Internet Push").
- Measuring the effects of incorporating household contact strategies, as tested to date, to encourage self-response, including letter and postcard reminders.

The Bureau will continue its testing and further evaluation of questionnaire content that we studied stateside:

- Testing of a combined race and Hispanic-origin question that is similar to one the Census Bureau used in the 2015 National Content Test. Based on results from the 2010 Race and Hispanic Origin Alternative Questionnaire Experiment (Compton, et. al. 2012), the 2017 Puerto Rico Census Test provides an opportunity to further test a combined race and Hispanic-origin question.
- Testing new response categories for opposite sex and same sex husband/wife/spouse and unmarried partner for the relationship question.

Nonresponse Follow-up (NRFU)

The 2017 Puerto Rico Census Test will allow the Census Bureau to continue to refine, optimize, and assess the operational procedures and technical design of the Nonresponse Follow-up operation. This will build upon the results of previous stateside field tests where the NRFU operation had been conducted. Specifically:

- Operational procedures
  - ○ Testing continued refinements to the field data collection instrument for enumeration, including where potential problems exist in our questionnaire pathing and interview software user interface issues.
  - ○ Continuing refinement of our re-designed method of enumerating multi-unit structures, designed to identify vacant households with a minimal number of contact attempts, and minimization of respondent burden.
  - ○ Continuing refinement of our Quality Control Reinterview process, to detect and deter falsification by field enumerators. This may include, for instance, new methodologies for sampling reinterview cases, and further use of administrative records and paradata to identify/rule out potential falsification.
  - ○ Continuing evaluation of our enumerator training procedures and content, including both online training modules and in-classroom training.
  - ○ Continuing our refinement and operational testing of field supervisor to enumerator ratio, based on the results of previous tests to ensure that staffing ratios of enumerators to supervisors are validated as feasible during field operations.
  - ○ Adding special collection of certain rural Puerto Rico addresses in the enumeration instrument.
  - ○ Integrating a Non-ID Field Verification assignment into the NRFU workload. The Non-ID Field Verification cases are intended to verify whether the living quarters associated with Non-ID self-responses that cannot be matched to the Census Bureau address frame actually do exist and were assigned to the correct census block.
- Technical Design
  - ○ Continuing refinement of the alerts generated by the operational control system to identify potentially problematic field behavior in real time.
  - ○ Continuing refinement of the optimization and routing algorithms used to make field assignments.
  - ○ Continuing work to integrate into the Census Bureau's enterprise data collection systems.

Update Enumerate (UE)

The 2017 Puerto Rico Census Test will allow the Census Bureau to test the Update Enumerate operation, which combines listing methodologies of Address Canvassing with the enumeration methodologies from Nonresponse Follow-up. This operation was used in the 2010 Census for about 1 percent of all addresses, mostly in geographic areas that:

- Do not have city-style addresses;
- Do not receive mail through city-style addresses;
- Receive mail at post office boxes;
- Have unique challenges associated with accessibility;
- Have been affected by natural disasters; or
- Have high concentrations of seasonally vacant housing.

The following objectives are being tested for Update Enumerate:

- Integrating listing and enumeration operations and systems;
- Building on previous stateside test experiences to evaluate the impact on cost and quality of the contact strategy on enumerator productivity and efficiency;
- Testing refinements to the field data collection instrument for enumeration, including such things as allowing collection of data from "other" address for in-movers and whole household "usual home elsewhere" cases;
- Testing field supervisor to enumerator ratios to ensure that staffing ratios of enumerators to supervisors are validated as feasible during field operations.

II. Method of Collection

Test Sites

The Census Bureau will conduct the 2017 Puerto Rico Census Test concurrently in Carolina, Loíza, and Trujillo Alto *municipios*. These locations offer particular characteristics that support the Census Bureau's research goals. Conducting the 2017 Puerto Rico Census Test in rural and urban areas will allow us to test our assignment routing strategies in lightly and densely populated areas and understand the unique challenges to field enumeration in Puerto Rico.

Self-Response

The housing units in the selected areas included in the 2017 Puerto Rico Census Test will be contacted by mail and invited to complete their questionnaire via the Internet. Internet self-response contact methods include either a letter or a postcard. We will also test optimal strategies for delivering mail materials, including paper questionnaires, to households that do not or cannot respond online. We will continue to test our Non-ID Processing methodology as another strategy for optimizing self-response. Non-ID Processing refers to address matching and geocoding for census responses that lack a preassigned census identification code. In the 2017 Puerto Rico Census Test, we will continue to develop our capability to conduct real-time non-ID processing.

This test will allow us to interactively prompt a respondent (while they are still online filling out the form) for additional address and location information if the respondent's address cannot be matched to an address with a Census ID or geocoded. A non-ID respondent whose address cannot be matched to our address database will be prompted during his or her Internet self-response session to confirm the address information they provided while filling out the form or to indicate the location of their address on an on-screen map. This test will allow us to better understand requirements related to scalability of planned systems and determine metrics for ongoing monitoring and evaluation. If the address match is not resolved during automated processing, Census Bureau staff will attempt to manually match or geocode addresses. We estimate that about one percent of the overall non-ID respondents will be contacted as part of the manual matching process. Additionally, we plan to test a mechanism for validating all non-ID responses by matching the response data to a composite file consisting of federal administrative records and third-party data.

Nonresponse Follow-up (NRFU)

If a household does not ultimately respond to the self-response portion of the test by a specified date, it is included in the universe for the NRFU portion of the test, during which enumerators will attempt to follow up with the nonresponding households to collect data. In advance of the full deployment of enumerators following up with nonresponding households, a small number of the nonresponding cases may be subject to early follow-up to allow for the live testing of systems, data collection applications, and field procedures and to provide the field data collection supervisors to gain experience with the enumeration application.

The Census Bureau will conduct NRFU with mobile smartphone devices provided via a contract with the Census Bureau to provide devices, peripherals, and service plans. The devices will utilize a Census Bureau provided enumeration application solution for conducting the NRFU field data collection.

Nonresponse Follow-up Quality Control Reinterview (NRFU–RI)

A sample of cases that have been enumerated via Nonresponse Follow-up will be selected for reinterview. This operation is intended to help us pinpoint possible cases of enumerator falsification. Like the NRFU operation before it, NRFU–RI will use the Census Bureau provided enumeration software on mobile devices. We will also test centralized phone contacts of the reinterview cases before sending them to an enumerator in the field, providing potential cost avoidance opportunities.

Non-ID Field Verification (FV)

Households that self-respond to the Census without an ID and cannot be matched to our address frame (either via automated methods or clerical review) may be sent to the field for NRFU enumerators to conduct a field verification operation. This sub-operation is intended to verify that the housing unit exists, and if possible, to collect coordinate data to enable accurate attribution to a census block.

Update Enumerate (UE)

Update Enumerate for the 2017 Puerto Rico Census Test will test three of the components of the operation: Update Enumerate Production, Update Enumerate Follow-up, and Update Enumerate Reinterview. In addition to the field operation, the Census Bureau is testing mailing out an invitation package to housing units with a mailable address to generate self-response before the operation begins. If a household self-responds, the UE fieldworker (enumerator) will not enumerate that house while listing the geographic area. This is a cost savings to Update Enumerate since the enumerator will not have to spend time collecting the enumeration of self-responding households.

Update Enumerate Production

Enumerators visit specific geographic areas to identify every place where people could live or stay comparing what they see on the ground to the existing census address list and either verify or correct the address and location information. Much like Address Canvassing, enumerators classify each living quarter (LQ) as a housing unit or group quarter (GQ). If the LQ is classified as a GQ, no attempt is made to enumerate since the plan for the 2020 Census is to have a separate operation enumerate GQs.

The enumerators will attempt to conduct an interview for each housing unit. If someone answers, the enumerators will provide a Confidentiality Notice and ask about the address in order to verify or update the information, as appropriate. The enumerators will then ask if there are any additional LQs in the structure or on the property. If there are additional LQs, the enumerators will collect/update that information, as appropriate. The enumerator will then interview the respondent using the questionnaire on the mobile device.

If no one is home at a non responding housing unit, the enumerator will leave a Notice of Visit inviting a respondent for each household to go online with an ID to complete the 2017 Puerto Rico Census Test questionnaire. The Notice of Visit will also include the phone number for Census Questionnaire Assistance (CQA) if the respondent has any questions or would prefer to respond to the questionnaire on the phone.

Update Enumerate Follow-up

The UE operation will have a UE Follow-up component for those households that were not enumerated on the first visit and have not responded via the Internet or CQA. The UE Follow-up will use the same contact strategies and business rules as Nonresponse Follow-up. UE enumerators will conduct the operation using Census Bureau provided listing and enumeration application on a Census Bureau provided mobile device, which securely collects and transmits respondent data.

Update Enumerate Reinterview

A sample of cases enumerated via Update Enumerate or Update Enumerate Follow-up will be selected for reinterview. The intention of this operation is to help us pinpoint possible cases of enumerator falsification. Update Enumerate Reinterview will use the Census Bureau's enumeration software on mobile devices. We will also test centralized phone contacts of the reinterview cases before sending them to an enumerator in the field, providing potential cost savings.

Language Services

Telephone questionnaire assistance will be available in Spanish as well as English.

III. Data

OMB Control Number: 0607–XXXX.

Form Number(s): Paper and electronic questionnaires; numbers to be determined.

Type of Review: Regular submission.

Affected Public: Households/Individuals.

Estimated Number of Respondents:

Operation or category	Estimated number of respondents	Estimated time per response (minutes)	Total burden hours (hours)
Geographic Area Focused on Self-Response			
Internet/Telephone/Paper	95,000	10	15,834
Nonresponse Follow-up	70,000	10	11,667
Nonresponse Follow-up Quality Control RI	7,000	10	1,167
Self-Response Subtotal	172,000		28,668
Geographic Area Focused on Update Enumerate			
Update Enumerate Response	14,000	12	2,800
Update Enumerate Follow-up Response	14,000	10	2,334
Update Enumerate Reinterview	2,800	10	467
Update Enumerate Subtotal	30,800		5,601
Non-ID Processing Phone Follow-up	200	5	17
Totals	203,000		34,286

Area Focused on Self-Response

Estimate for Self-Response [Internet/Telephone/Paper]: 95,000 respondents.

Corresponding Nonresponse Follow-up Cases: 70,000 respondents.

Corresponding Nonresponse Follow-up Quality Control Re-Interview Cases: 7,000 respondents.

Area focused on Update Enumerate: 28,000 respondents..

Corresponding Update Enumerate Cases: 14,000.

Corresponding Update Enumerate Followup Cases: 14,000.

Corresponding Update Enumerate Reinterview Cases: 2,800.

Non-ID Processing Cases requiring a phone call to the respondent to derive a match to a census address or to assign to a census block: 200.

Total: 203,000 Contacts

Estimated Time per Response:

Paper/Internet Responders: 10 minutes per response.

Nonresponse Follow-up Cases: 10 minutes per response.

Nonresponse Follow-up Quality Control Reinterview Cases: 10 minutes per response.

Update Enumerate Cases: 12 minutes per response.

Update Enumerate Follow-up Cases: 10 minutes per response.

Update Enumerate Reinterview Cases: 10 minutes per response.

Non-ID Processing Cases requiring a telephone follow-up to match/geocode: 5 minutes.

Estimated Total Annual Burden Hours: 34,286 hours.

Estimated Total Annual Cost to Public: There are no costs to respondents other than their time to participate in this data collection.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C. Sections 141, 191 and 193.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: July 13, 2016.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2016–16966 Filed 7–18–16; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Fang Liwu, Nan Hu Xi Yuan 50505, Chai Yang District, Wang Ging, Beijing, China; Order Denying Export Privileges

On July 20, 2015, in the U.S. District Court for the Eastern District of Pennsylvania, Fang Liwu ("Fang") was convicted of violating the International Emergency Economic Powers Act (50 U.S.C. § 1701, *et seq.* (2012)) ("IEEPA"). Specifically, Fang knowingly and willfully violated the IEEPA, and the regulations promulgated thereunder, and aided and abetted the violation, that is, without obtaining the required Office of Foreign Assets Control approval, Fang engaged in transactions to export, attempted to export, and aided and abetted the export of three CC–10 vacuum gauges to Iran from the United States. Fang was sentenced to 24 months in prison, with credit for time served, three years of supervised release, and a special assessment of $400.00.

Section 766.25 of the Export Administration Regulations ("EAR" or "Regulations")[1] provides, in pertinent part, that "[t]he Director of the Office of Exporter Services, in consultation with the Director of the Office of Export Enforcement, may deny the export privileges of any person who has been convicted of a violation of the Export Administration Act ("EAA"), the EAR, or any order, license or authorization issued thereunder; any regulation, license, or order issued under the International Emergency Economic Powers Act (50 U.S.C. § 1701–1706); 18 U.S.C. §§ 793, 794 or 798; section 4(b) of the Internal Security Act of 1950 (50 U.S.C. § 783(b)), or section 38 of the Arms Export Control Act (22 U.S.C. 2778)." 15 CFR 766.25(a); *see also* Section 11(h) of the EAA, 50 U.S.C. 4610(h). The denial of export privileges under this provision may be for a period of up to 10 years from the date of the conviction. 15 CFR 766.25(d); *see also* 50 U.S.C. 4610(h). In addition, Section 750.8 of the Regulations states that the Bureau of Industry and Security's Office of Exporter Services may revoke any Bureau of Industry and Security ("BIS") licenses previously issued in which the person had an interest in at the time of his conviction.

---

[1] 50 U.S.C. §§ 4601–4623 (Supp. III 2015) (available at *http://uscode.house.gov*). Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 7, 2015 (80 FR 48,233 (Aug. 11, 2015)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2012)).

BIS has received notice of Fang's conviction for violating IEEPA, and in accordance with Section 766.25 of the Regulations, BIS has provided notice and an opportunity for Fang to make a written submission to BIS. BIS has not received a submission from Fang.

Based upon my review and consultations with BIS's Office of Export Enforcement, including its Director, and the facts available to BIS, I have decided to deny Fang's export privileges under the Regulations for a period of 10 years from the date of Fang's conviction. I have also decided to revoke all licenses issued pursuant to the Act or Regulations in which Fang had an interest at the time of his conviction.

Accordingly, it is hereby ORDERED:

First, from the date of this Order until July 20, 2025, Fang Liwu, with a last known address of Nan Hu Xi Yuan 50505, Chai Yang District, Wang Ging, Beijing, China, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (the "Denied Person"), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as "item") exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any other person, firm, corporation, or business organization related to Fang by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with Part 756 of the Regulations, Fang may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to the Fang. This Order shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until July 20, 2025.

Issued this 12th day of July, 2016.

Karen H. Nies-Vogel,

Director, Office of Exporter Services.

[FR Doc. 2016–17033 Filed 7–18–16; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–970]

Multilayered Wood Flooring From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2013–2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On January 8, 2016, the Department of Commerce ("the Department") published the preliminary results of the third administrative review ("AR") of the antidumping duty ("AD") order on multilayered wood flooring ("MLWF") from the People's Republic of China ("the PRC"), in accordance with sections 751(a)(1)(B) and 751(a)(2)(B) of the Tariff Act of 1930, as amended ("the Act").[1] The period of review ("POR") for the AR is December 1, 2013 through November 30, 2014. The AR covers 107 companies. The mandatory respondents in this review are: (1) Dalian Penghong Floor Products Co., Ltd. ("Penghong"); and (2) Fine Furniture (Shanghai) Limited ("Fine Furniture"). We received comments from interested parties on our *Preliminary Results*. Based on our analysis of the comments received, we made changes to the margin calculations for the final results of this administrative review. The final dumping margins are listed below in the "Final Results" section of this notice.

DATES: *Effective Date:* July 19, 2016.

---

[1] *See Multilayered Wood Flooring from the People's Republic of China; Preliminary Results of Antidumping Duty Administrative Review; 2013–2014,* 81 FR 903 (January 8, 2016) ("*Preliminary Results*") and accompanying Preliminary Decision Memorandum.

FOR FURTHER INFORMATION CONTACT: Lilit Astvatsatrian or William Horn, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6412 or (202) 482–2615, respectively.

Background

As noted above, on January 8, 2016, the Department published its *Preliminary Results.* The Department invited parties to submit case briefs and hearing requests related to the *Preliminary Results.* On February 9, 2016, the Department received case briefs from the Fusong Jinlong Wooden Group Co., Ltd. ("Fusong Jinlong Group") and Baishan Huafeng Wooden Product Co., Ltd. ("Baishan Huafeng"). On February 12, 2016, the Department received case briefs on behalf of the primary members of the Alliance for Free Choice and Jobs In Flooring ("the AFCJF"); [2] Fine Furniture; Anhui Longhua Bamboo Product Co., Ltd., Benxi Wood Company, Dalian Kemian Wood Industry Co., Ltd., Dalian Shumaike Floor Manufacturing Co., Ltd., Dalian Xinjinghua Wood Co., Ltd., Dasso Industrial Group Co., Ltd., Dongtai Fuan Universal Dynamics LLC, GTP International Ltd., Guangzhou Panyu Kangda Board Co., Ltd., Guangzhou Panyu Southern Star Co., Ltd., Henan Xingwangjia Technology Co., Ltd., Hunchun Forest Wolf Wooden Industry Co., Ltd., Jiangsu Senmao Bamboo and Wood Industry Co., Ltd., Jiangsu Simba Flooring Co., Ltd., Jiangsu Yuhui International Trade Co., Ltd., Jiashan HuiJiaLe Decoration Material Co., Ltd., Kemian Wood Industry (Kunshan) Co., Ltd., Nanjing Minglin Wooden Industry Co., Ltd., Pinge Timber Manufacturing (Zhejiang) Co., Ltd., and Puli Trading Limited, Shenzhenshi Huanwei Woods Co., Ltd., and Suzhou Dongda Wood Co., Ltd., Xuzhou Antop International Trade Co., Ltd., Yixing Lion-King Timber Industry Co., Ltd., and Zhejiang Fudeli Timber Industry Co., Ltd. (collectively the "HB Respondents"); Dalian Huilong Wooden Products Co., Ltd., Xiamen Yung De Ornament Co., Ltd., and Yingyi-Nature (Kunshan) Wood Industry Co. Ltd.; and the Coalition for American Hardwood Parity ("CAHP").[3] On February 19, 2016, the Department received rebuttal briefs from Fine Furniture, the HB Respondents, Lumber Liquidators Services, LLC ("Lumber Liquidators"), on behalf of Dunhua City Dexin Wood Industry Co., Ltd., Dun Hua City Jisen Wood Industry Co., Ltd., Changzhou Hawd Flooring Co., Ltd., Karly Wood Product Limited, Yingyi-Nature (Kunshan) Wood Industry Co., Ltd., Dalian Huilong Wooden Products Co., Ltd., Dunhua City Hongyuan Wood Industry Co., Ltd., Jiaxing Hengtong Wood Co., Ltd., Xiamen Yung De Ornament Co., Ltd., Zhejiang Shuimojiangnan New Material Technology Co., Ltd. and Penghong (collectively "Penghong and Companies"), and CAHP. On February 12, 2016, the Department received requests for a hearing from Fine Furniture, CAHP, and Penghong and Companies. Various interested parties participated in a public hearing on May 4, 2016. On April 26, 2016, the Department extended the time period for issuing the final results of the AR by 60 days, until July 12, 2016.[4]

Scope of the Order

The merchandise covered by the order includes MLWF, subject to certain exceptions.[5] Imports of the subject merchandise are provided for under the following subheadings of the Harmonized Tariff Schedule of the United States ("HTSUS"): "): 4412.31.0520; 4412.31.0540; 4412.31.0560; 4412.31.2510; 4412.31.2520; 4412.31.3175; 4412.31.4040; 4412.31.4050; 4412.31.4060; 4412.31.4070; 4412.31.4075; 4412.31.4080; 4412.31.5125; 4412.31.5135; 4412.31.5155; 4412.31.5165; 4412.31.5175; 4412.31.6000; 4412.31.9100; 4412.32.0520; 4412.32.0540; 4412.32.0560; 4412.32.0565; 4412.32.0570; 4412.32.2510; 4412.32.2520; 4412.32.2525; 4412.32.2530; 4412.32.3125; 4412.32.3135; 4412.32.3155; 4412.32.3165; 4412.32.3175; 4412.32.3185; 4412.32.5600; 4412.39.1000; 4412.39.3000; 4412.39.4011; 4412.39.4012; 4412.39.4019; 4412.39.4031; 4412.39.4032; 4412.39.4039; 4412.39.4051; 4412.39.4052; 4412.39.4059; 4412.39.4061; 4412.39.4062; 4412.39.4069; 4412.39.5010; 4412.39.5030; 4412.39.5050; 4412.94.1030; 4412.94.1050; 4412.94.3105; 4412.94.3111; 4412.94.3121; 4412.94.3131; 4412.94.3141; 4412.94.3160; 4412.94.3171; 4412.94.4100; 4412.94.5100; 4412.94.6000; 4412.94.7000; 4412.94.8000; 4412.94.9000; 4412.94.9500; 4412.99.0600; 4412.99.1020; 4412.99.1030; 4412.99.1040; 4412.99.3110; 4412.99.3120; 4412.99.3130; 4412.99.3140; 4412.99.3150; 4412.99.3160; 4412.99.3170; 4412.99.4100; 4412.99.5100; 4412.99.5105; 4412.99.5115; 4412.99.5710; 4412.99.6000; 4412.99.7000; 4412.99.8000; 4412.99.9000; 4412.99.9500; 4418.71.2000; 4418.71.9000; 4418.72.2000; 4418.72.9500; and 9801.00.2500.

While HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive. For the full text of the scope of the order, *see* Memorandum to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, "Issues and Decision Memorandum for the Final Results of the 2013–2014 Antidumping Duty Administrative Review of Multilayered Wood Flooring from the People's Republic of China," ("Issues and Decision Memorandum"), dated concurrently with and hereby adopted by this notice.

Final Determination of No Shipments

In the *Preliminary Results,* we found that Changbai Mountain Development and Protection Zone Hongtu Wood Industrial Co., Ltd.; Dalian T-Boom Wood Products Co., Ltd.; Hangzhou Zhengtian Industrial Co., Ltd.; Jiangsu Guyu International Trading Co., Ltd.; Jiangsu Mingle Flooring Co., Ltd.; Linyi Bonn Flooring Manufacturing Co., Ltd.; Shanghai Eswell Timber Co., Ltd.;

---

[2] The current primary members of the AFCJF, are importers of the subject merchandise and thus interested parties pursuant to 19 CFR 351.102(29)(ii).. These importers are: Swiff Train Co.; Metropolitan Hardwood Floors, Inc.; Real Wood Floors, LLC.; Galleher Corp; Crescent Hardwood Supply; Custom Wholesale Floors, Inc.; Pinnacle Interior Elements, Ltd.; Timeless Design Import LCC; CDC Distributors, Inc.; CLBY Inc. (dba D&M Flooring); Johnson's Premium Hardwood Flooring, Inc.; The Master's Craft Corp.; BR Custom Surface; Struxtur, Inc.; Doma Source LLC; Floor and Decor Outlets of America, Inc.; Wego Chemical & Chemical & Mineral Corp. and V.A.L. Floors, Inc. and Floor & Décor.

[3] The member-companies of the CAHP are: Anderson Hardwood Floors, LLC; From the Forest; Howell Hardwood Flooring; Mannington Mills, Inc.; Nydree Flooring; and Shaw Industries Group, Inc.

[4] *See* Memo to the file re: Multilayered Wood Flooring from the People's Republic of China: Extension of Deadline for Final Results of Antidumping Duty Administrative Review dated April 26, 2016.

[5] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Paul Piquado, Assistant Secretary for Enforcement and Compliance, regarding "Decision Memorandum for Preliminary Results of 2013–2014 Antidumping Duty Administrative Review: Multilayered Wood Flooring from the People's Republic of China," ("Preliminary Decision Memorandum"), issued and dated concurrently with this notice, for a complete description of the Scope of the Order.

Shenyang Senwang Wooden Industry Co., Ltd.; Tongxiang Jisheng Import and Export Co., Ltd.; and Zhejiang Fuerjia Wooden Co., Ltd. had no shipments during the POR.[6] We did not receive comments with respect to any of these companies. Thus, for these final results of review, we continue to find that those companies had no shipments during the POR. Consistent with our "automatic assessment" clarification, we will issue appropriate instructions with respect to these companies to U.S. Customs and Border Protection ("CBP") based on our final results.[7]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties in the AR are addressed in the Issues and Decision Memorandum. A list of the issues that parties raised and to which we responded in the Issues and Decision Memorandum follows as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System ("ACCESS"). ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/*. The paper copy and electronic version of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

- We revised the calculation of surrogate financial ratios based on the notes in financial statement used in the preliminary results.[8]
- We revised surrogate values for several lumber raw materials in calculation of the normal value for Fine Furniture.[9]
- We deducted letter of credit expense from the surrogate value for brokerage and handling in the calculation of normal value for Fine Furniture.[10]
- We corrected the application of certain adjustments by deducting them from international movement in calculation of the U.S. net price for Fine Furniture.[11]
- We corrected the spelling of Baishan Huafeng Wooden Product Co., Ltd.'s name.[12]
- We defined the members of Fusong Jinlong Group.[13]
- We treated certain companies as separate rate respondents.[14]

Final Results of the Administrative Review

We determine that the following weighted-average dumping margins exist for the POR from December 1, 2013 through November 30, 2014:

Exporter	Weighted-average dumping margin
Fine Furniture (Shanghai) Limited	17.37
Dalian Penghong Floor Products Co., Ltd./Dalian Shumaike Floor Manufacturing Co., Ltd.[15]	0.00
A&W (Shanghai) Woods Co., Ltd	17.37
Anhui Longhua Bamboo Product Co., Ltd	17.37
Armstrong Wood Products (Kunshan) Co., Ltd	17.37
Baishan Huafeng Wooden Product Co., Ltd	17.37
Benxi Wood Company	17.37
Changzhou Hawd Flooring Co., Ltd	17.37
Chinafloors Timber (China) Co., Ltd	17.37
Dalian Dajen Wood Co., Ltd	17.37
Dalian Huade Wood Product Co., Ltd	17.37
Dalian Huilong Wooden Products Co., Ltd	17.37
Dalian Kemian Wood Industry Co., Ltd	17.37
Dalian Xinjinghua Wood Co., Ltd	17.37
Dasso Industrial Group Co., Ltd	17.37
Dongtai Fuan Universal Dynamics, LLC	17.37
Dunhua City Dexin Wood Industry Co., Ltd	17.37
Dunhua City Hongyuan Wood Industry Co., Ltd	17.37
Dun Hua City Jisen Wood Industry Co., Ltd	17.37
Dunhua City Wanrong Wood Industry Co., Ltd	17.37
Dun Hua Sen Tai Wood Co., Ltd	17.37
Dunhua Shengda Wood Industry Co., Ltd	17.37
Fusong Jinlong Group[16]	17.37
GTP International Ltd	17.37
Guangdong Yihua Timber Industry Co., Ltd	17.37
Guangzhou Panyu Kangda Board Co., Ltd	17.37
Guangzhou Panyu Southern Star Co., Ltd	17.37
HaiLin LinJing Wooden Products, Ltd	17.37

---

[6] *See Preliminary Results*, 81 FR at 903 foot note 5.

[7] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011) (*Assessment of Antidumping Duties*); *see also* the "Assessment" section of this notice, below.

[8] *See* Memorandum to the File from Lilit Astvatsatrian and William Horn, International Trade Compliance Analysts, "Multilayered Wood Flooring from the People's Republic of China: Final Surrogate Value Memorandum," dated concurrently with this notice ("Final Surrogate Value Memorandum"), at page 2 and Exhibit 2.

[9] *Id.*, at page 1 and Exhibit 1.

[10] *Id.*, at page 2 and Exhibit 3.

[11] See Memorandum to the File from Lilit Astvatsatrian, International Trade Compliance Analyst, "Multilayered Wood Flooring from the People's Republic of China: Analysis of the Final Results Margin Calculation for Fine Furniture (Shanghai) Limited," dated concurrently with this determination ("Final Analysis Memorandum"), at page 2 and Attachment 1.

[12] *See* Issues and Decisions Memorandum at comment 11.

[13] *Id.*, at comment 10.

[14] *Id.*, at comment 9.

[15] We note that the record reflects that Penghong and Shumaike were not affiliated until April 2014 (*i.e.*, approximately 4 months into the POR). Because the record does not support treating Penghong as a single entity with Shumaike prior to the date of affiliation (*i.e.*, April 2014), separate assessment rates will apply for the period from 11/30/2013 through 3/31/2014. In particular, the assessment rate for any entries by Shumaike will be 13.34 percent (the rate applicable to unexamined separate rate companies) and the assessment rate for any entries by Penghong will be 0.00.

[16] The following companies are collectively known as The Fusong Jinlong Group ("Fusong Jinlong Group"): Dalian Qianqiu Wooden Product Co., Ltd.; Fusong Jinlong Wooden Group Co., Ltd.; Fusong Jinqiu Wooden Product Co., Ltd.; and Fusong Qianqiu Wooden Product Co., Ltd.

Exporter	Weighted-average dumping margin
Hangzhou Hanje Tec Co., Ltd	17.37
Henan Xingwangjia Technology Co., Ltd	17.37
Hunchun Forest Wolf Wooden Industry Co., Ltd	17.37
Hunchun Xingjia Wooden Flooring Inc	17.37
Huzhou Chenghang Wood Co., Ltd	17.37
Huzhou Fulinmen Imp. & Exp. Co., Ltd	17.37
Huzhou Fuma Wood Co., Ltd.[17]	17.37
Huzhou Jesonwood Co., Ltd	17.37
Huzhou Ruifeng Imp. & Exp. Co., Ltd	17.37
Huzhou Sunergy World Trade Co., Ltd	17.37
Jiafeng Wood (Suzhou) Co., Ltd.[18]	17.37
Jiangsu Senmao Bamboo and Wood Industry Co., Ltd	17.37
Jiangsu Simba Flooring Co., Ltd	17.37
Jiangsu Yuhui International Trade Co., Ltd	17.37
Jiashan HuiJiaLe Decoration Material Co., Ltd	17.37
Jiaxing Hengtong Wood Co., Ltd	17.37
Jilin Forest Industry Jinqiao Flooring Group Co., Ltd	17.37
Jilin Xinyuan Wooden Industry Co., Ltd	17.37
Karly Wood Product Limited	17.37
Kemian Wood Industry (Kunshan) Co., Ltd	17.37
Les Planchers Mercier, Inc	17.37
Linyi Youyou Wood Co., Ltd	17.37
MuDanJiang Bosen Wood Industry Co., Ltd	17.37
Nakahiro Jyou Sei Furniture (Dalian) Co., Ltd	17.37
Nanjing Minglin Wooden Industry Co., Ltd	17.37
Ningbo Tianyi Bamboo & Wood Products Co., Ltd	17.37
Pinge Timber Manufacturing (Zhejiang) Co., Ltd	17.37
Power Dekor Group Co., Ltd	17.37
Puli Trading Limited	17.37
Shanghai Lairunde Wood Co., Ltd	17.37
Shanghai Lizhong Wood Products Co., Ltd./The Lizhong Wood Industry Limited Company of Shanghai[19]	17.37
Shanghai New Sihe Wood Co., Ltd	17.37
Shanghai Shenlin Corporation	17.37
Shenyang Haobainian Wooden Co., Ltd	17.37
Shenzhenshi Huanwei Woods Co., Ltd	17.37
Sino-Maple (JiangSu) Co., Ltd	17.37
Suzhou Dongda Wood Co., Ltd	17.37
Xiamen Yung De Ornament Co., Ltd	17.37
Xuzhou Antop International Trade Co., Ltd	17.37
Xuzhou Shenghe Wood Co., Ltd	17.37
Yekalon Industry, Inc	17.37
Yingyi-Nature (Kunshan) Wood Industry Co., Ltd	17.37
Yixing Lion-King Timber Industry Co., Ltd	17.37
Zhejiang Biyork Wood Co., Ltd	17.37
Zhejiang Dadongwu Green Home Wood Co., Ltd	17.37
Zhejiang Fudeli Timber Industry Co., Ltd	17.37
Zhejiang Fuma Warm Technology Co., Ltd	17.37
Zhejiang Longsen Lumbering Co., Ltd	17.37
Zhejiang Shuimojiangnan New Material Technology Co., Ltd	17.37

Assessment Rates

The Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. The Department intends to issue assessment instructions to CBP 15 days after the publication date of these final results of this review. In accordance with 19 CFR 351.212(b)(1), we are calculating importer- (or customer-) specific assessment rates for the merchandise subject to this review. For any individually examined respondent whose weighted-average dumping margin is above *de minimis* (*i.e.,* 0.50 percent), the Department will calculate importer- (or customer)-specific assessment rates for merchandise subject to this review. Where appropriate, we calculated an *ad valorem* rate for each importer (or customer) by dividing the total dumping margins for reviewed sales to that party by the total entered values associated with those transactions. For duty-assessment rates calculated on this basis, we will direct CBP to assess the resulting *ad valorem* rate against the entered customs values for the subject merchandise. Where appropriate, we calculated a per-unit rate for each importer (or customer) by dividing the total dumping margins for reviewed sales to that party by the total sales quantity associated with those transactions. For duty-assessment rates calculated on this basis, we will direct CBP to assess the resulting per-unit rate against the entered quantity of the subject merchandise.[20] We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate is above *de minimis*. Where either the respondent's weighted-average dumping margin is zero or *de minimis*, or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. For Penghong, whose weighted average dumping margin is zero, the Department will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[21] We intend to instruct CBP to liquidate entries of subject merchandise exported by the PRC-wide entity at the PRC-wide rate.

---

[17] On July 13, 2015, the Department determined that Zhejiang Fuma Warm Technology Co., Ltd. is the successor-in-interest to Huzhou Fuma Wood Co., Ltd. *See Multilayered Wood Flooring From the People's Republic of China: Final Results of Changed Circumstances Review,* 80 FR 39998 (July 13, 2015). Because Huzhou Fuma Wood Co., Ltd. no longer exists as a legal entity, the rate assigned to Huzhou Fuma Wood Co., Ltd. will apply for assessment purposes only.

[18] On November 16, 2015, the Department determined that Sino-Maple (JiangSu) Co., Ltd. is the successor-in-interest to Jiafeng Wood (Suzhou) Co., Ltd. *See Multilayered Wood Flooring From the People's Republic of China: Final Results of Changed Circumstances Review,* 80 FR 70756 (November 16, 2015). Because Jiafeng Wood (Suzhou) Co., Ltd. no longer exists as a legal entity, the rate assigned to Jiafeng Wood (Suzhou) Co., Ltd. will apply for assessment purposes only.

[19] On September 30, 2014, the Department determined that Linyi Youyou Wood Co., Ltd. is the successor-in-interest to Shanghai Lizhong Wood Products Co., Ltd./The Lizhong Wood Industry Limited Company of Shanghai. *See Multilayered Wood Flooring From the People's Republic of China: Final Results of Changed Circumstances Review,* 79 FR 58740 (September 30, 2014). Because Shanghai Lizhong Wood Products Co., Ltd./The Lizhong Wood Industry Limited Company of Shanghai no longer exists as a legal entity, the rate assigned to Shanghai Lizhong Wood Products Co., Ltd./The Lizhong Wood Industry Limited Company of Shanghai will apply for assessment purposes only.

If the Department determines that an exporter under review had no shipments of subject merchandise, any suspended entries that entered under that exporter's case number will be liquidated at the PRC-wide rate.[22]

For the companies not selected for individual examination, we will instruct CBP to apply the rate listed above to the entries of subject merchandise exported by such companies and entered during the period from December 1, 2013 through November 30, 2014. This rate is the same as the rate for the one mandatory respondent with a weighted-average dumping margin that is above *de minimis*.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of these reviews for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date in the **Federal Register** of the final results of review, as provided by section 751(a)(2)(C) of the Act. For Penghong, Fine Furniture, and the non-examined, separate rate respondents, the cash deposit rate will be equal to their weighted-average dumping margins established in the final results of this review, except if the rate is zero or *de minimis*, then no cash deposit will be required. Changbai Mountain Development and Protection Zone Hongtu Wood Industrial Co., Ltd.; Dalian T-Boom Wood Products Co., Ltd.; Hangzhou Zhengtian Industrial Co., Ltd.; Jiangsu Guyu International Trading Co., Ltd.; Jiangsu Mingle Flooring Co., Ltd.; Linyi Bonn Flooring Manufacturing Co., Ltd.; Shanghai Eswell Timber Co., Ltd.; Shenyang Senwang Wooden Industry Co., Ltd.; Tongxiang Jisheng Import and Export Co., Ltd.; and Zhejiang Fuerjia Wooden Co., Ltd. which claimed no shipments, the cash deposit rate will remain unchanged from their rate assigned in the most recently completed review of the company. For previously investigated or reviewed PRC and non-PRC exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the most-recently established exporter-specific rate. For all PRC exporters of subject merchandise that have not been found to be entitled a separate rate, the cash deposit rate will be that for the PRC-wide entity established in a redetermination of the final determination of the less than fair value investigation (*i.e.*, 25.62 percent).[23] For all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure

We intend to disclose the calculations performed regarding these AR final results within five days of the date of publication of this notice in this proceeding in accordance with 19 CFR 351.224(b).

Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order ("APO")

This notice also serves as a final reminder to parties subject to APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this Administrative Review and notice in accordance with sections 751(a)(1), 751(a)(2)(B), and 777(i) of the Act.

Dated: July 12, 2016.

Ronald K Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—Issues and Decision Memorandum

Summary
Background
Scope of the Order
List of Abbreviations and Acronyms
Discussion of the Issues
Comment 1: Surrogate Country
  A. Whether The Department Should Rely Upon CAHP's Rejected Surrogate Country Arguments
  B. Whether The Romanian Wood Products Industry Is Distorted by Government Involvement
  C. Whether the Department Improperly Concluded That the Romanian Financial Statement Was Usable
  D. Whether the Thai Financial Statements Should Have Been Rejected
  E. Whether Romanian Input Data Are Superior to Thailand in Terms of Specificity
Comment 2: Selection of Romanian Surrogate Values of Face Veneers
Comment 3: Selection of Romanian Surrogate Values of Lumber
Comment 4: Correction of Surrogate Value Selections
Comment 5: Calculation of Surrogate Financial Ratios
Comment 6: Adjustment of Brokerage and Handling
Comment 7: Correction of a Clerical Error
Comment 8: Inclusion of Fine Furniture's Affiliate's Name in Customs Instructions

---

[20] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101, 8103 (February 14, 2012).

[21] *See* 19 CFR 351.212(b)(1).

[22] For a full discussion of this practice, *see Assessment of Antidumping Duties.*

[23] *See Multilayered Wood Flooring From the People's Republic of China: Notice of Court Decision Not in Harmony With the Final Determination and Amended Final Determination of the Antidumping Duty Investigation,* 80 FR 44029, 44031 (July 24, 2015).

Comment 9: Treatment of Three Respondents as Separate Rate Applicants
Comment 10: Treatment of Fusong Jinlong Group as a Single Entity
Comment 11: Correction of Baishan Huafeng's Name
Recommendation
Table of Shortened Citations
Litigation Cite Table

[FR Doc. 2016–17049 Filed 7–18–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Meeting of the United States Manufacturing Council

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The United States Manufacturing Council (Council) will hold an open meeting via livestream on Wednesday, August 3, 2016. The Council was established in April 2004 to advise the Secretary of Commerce on matters relating to the U.S. manufacturing industry. The purpose of the meeting is for Council members to review and deliberate a letter that summarizes the Council's recommendations and provides advice to the Secretary on the future of the Manufacturing Council. The final agenda will be posted on the Department of Commerce Web site for the Council at *http://www.trade.gov/manufacturingcouncil/*, at least one week in advance of the meeting.

DATES: Wednesday, August 3, 2016, 9:00 a.m.–12:00 p.m.

ADDRESSES: The United States Manufacturing Council meeting will be broadcast via live webcast on the Internet at *http://whitehouse.gov/live.*

FOR FURTHER INFORMATION CONTACT: Archana Sahgal, U.S. Manufacturing Council, Room 4043, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: 202–482–4501, email: *archana.sahgal@trade.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Council advises the Secretary of Commerce on matters relating to the U.S. manufacturing industry.

Public Participation: The public is invited to submit written statements to the United States Investment Advisory Council. Statements must be received by 5:00 p.m. EDT June 14, 2016 by either of the following methods:

a. Electronic Submissions

Submit statements electronically to Archana Sahgal, Executive Secretary, United States Manufacturing Council via email: *Archana.Sahgal@trade.gov.*

b. Paper Submissions

Send paper statements to Archana Sahgal, Executive Secretary, United States Manufacturing Council, Room 4043, 1401 Constitution Avenue NW., Washington, DC 20230. Statements will be posted on the United States Manufacturing Council website (*http://www.trade.gov/manufacturingcouncil*) without change, including any business or personal information provided such as names, addresses, email addresses, or telephone numbers. All statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should submit only information that you wish to make publicly available.

Meeting minutes: Copies of the Council's meeting minutes will be available within ninety (90) days of the meeting.

Dated: July13, 2016.

Archana Sahgal,

Executive Secretary, U.S. Manufacturing Council.

[FR Doc. 2016–17046 Filed 7–18–16; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–980]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Final Results of Countervailing Duty Administrative Review; 2013

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) has completed its administrative review of the countervailing duty (CVD) order on crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from the People's Republic of China (the PRC) for the period of review (POR) covering January 1, 2013, through December 31, 2013. On January 8, 2016, we published the preliminary results of this review.[1]

We provided interested parties with an opportunity to comment on the *Preliminary Results.* Our analysis of the comments submitted resulted in a change to the net subsidy rates for respondent JA Solar Technology Yangzhou Co., Ltd. and its crossed-owned companies (collectively, JA Solar). The final net subsidy rates are listed below in the section entitled, "Final Results of the Review."

Withdrawals of certain requests for review were timely filed and, as a result, we rescinded this administrative review with respect to certain companies, pursuant to 19 CFR 351.213(d)(1), and proceeded with the review of JA Solar, Changzhou Trina Solar Energy Co., Ltd. (Trina), and Wuxi Suntech Power Co., Ltd. (Suntech).[2]

DATES: Effective Date: July 19, 2016.

FOR FURTHER INFORMATION CONTACT: David Lindgren, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–3870.

SUPPLEMENTARY INFORMATION:

Background

Following the *Preliminary Results,* the Department conducted verification of the questionnaire responses submitted by the Government of the PRC (the GOC) and JA Solar from March 7 to 18, 2016. The verification reports were released on May 6, 2016.[3] We received case briefs from interested parties on May 18, 2016.[4] On May 31, 2016, interested parties submitted their rebuttal briefs.[5] No hearing was held in this case as the only hearing requests were withdrawn.[6]

---

[1] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review; 2013; and Partial Rescission of Countervailing Duty Administrative Review,* 81 FR 908 (January 8, 2016) (*Preliminary Results*).

[2] For a list of the rescinded companies, *see Preliminary Results* at Appendix II.

[3] *See* Department Memoranda, "Countervailing Duty Administrative Review of Certain Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Verification of the Questionnaire Responses Submitted by the Government of China," and "Verification of the Questionnaire Responses Submitted by JA Solar Technology Yangzhou Co., Ltd. and its cross-owned companies: Countervailing Duty Second Administrative Review of Certain Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules from the People's Republic of China," both dated May 6, 2016.

[4] *See* Letter to the Secretary from the GOC, "GOC Administrative Case Brief: Second Administrative Review of the Countervailing Duty Order on Crystalline Silicon Photovoltaic Cells, Whether or not Assembled into Modules from the People's Republic of China (C–570–980)," and Letter to the Secretary from JA Solar, "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from the People's Republic of China: Case Brief," both dated May 18, 2016; see also Letter to the Secretary from SolarWorld Americas, Inc. (Petitioner), "Certain Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into

Scope of the Order

The merchandise covered by this order is crystalline silicon photovoltaic cells, and modules, laminates, and panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including, but not limited to, modules, laminates, panels and building integrated materials. The product is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) item numbers 8501.61.0000, 8507.20.80, 8541.40.6020, 8541.40.6030, and 8501.31.8000. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of this order is dispositive. A full description of the scope of the order is contained in the Issues and Decision Memorandum, which is hereby adopted by this notice.[7]

Analysis of Comments Received

All issues in the case briefs are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached to this notice as Appendix I. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://www.trade.gov/enforcement/*. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Methodology

The Department conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we determine that there is a subsidy, *i.e.,* a financial contribution from an "authority" that confers a benefit to the recipient, and that the subsidy is specific.[8] For a full description of the methodology underlying our conclusions, *see* the Issues and Decision Memorandum.

In making these findings, we relied, in part, on facts available and, because the GOC did not act to the best of its ability in responding to the Department's requests for information, we drew an adverse inference in selecting from among the facts otherwise available.[9] For further information, *see* the section, "Use of Facts Otherwise Available and Adverse Inferences," in the Issues and Decision Memorandum.

Final Results of the Review

In accordance with 19 CFR 351.221(b)(5), we determine a net countervailable subsidy rate of 19.20 percent *ad valorem* for JA Solar. Because the only individually calculated rate in the instant review is not zero, *de minimis,* or based entirely on facts otherwise available, the Department has assigned this rate, calculated for JA Solar, to Trina and Suntech, companies that are subject to this review but were not selected for individual examination in this review.

Company	Subsidy rate (percent)
JA Solar Technology Yangzhou Co., Ltd. and its cross-owned affiliates[10]	19.20
Changzhou Trina Solar Energy Co., Ltd	19.20
Wuxi Suntech Power Co., Ltd	19.20

Disclosure

In accordance with 19 CFR 351.224(b), we will disclose the calculations performed within five days of the publication of this notice in the **Federal Register**.

Assessment Rates

In accordance with 19 CFR 351.212(b)(2), the Department intends to issue appropriate assessment instructions directly to U.S. Customs and Border Protection (CBP) 15 days after the date of publication of these final results, to liquidate shipments of subject merchandise by JA Solar, Trina and Suntech entered, or withdrawn from warehouse, for consumption on or after January 1, 2013, through December 31, 2013, at the percent rates, as listed above for each of the respective companies, of the entered value.

Cash Deposit Instructions

The Department also intends to instruct CBP to collect cash deposits of estimated CVDs in the amount shown above for shipments of subject merchandise by JA Solar, Trina and Suntech entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

For non-reviewed firms, we will instruct CBP to collect cash deposits of estimated CVDs at the most recent company-specific or all-others rate applicable to the company. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Modules, from the People's Republic of China: Resubmission of SolarWorld Americas, Inc.'s Case Brief," May 24, 2016.

[5] *See* Letter to the Secretary from Petitioner, "Certain Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Rebuttal Brief of SolarWorld Americas, Inc.," (May 31, 2016); see also Letter from the GOC, "GOC Rebuttal Brief: Second Administrative Review of the Countervailing Duty Order on Crystalline Silicon Photovoltaic Cells, Whether or not Assembled into Modules from the People's Republic of China (C–570–980)," (May 31, 2016); Letter from JA Solar, "Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Rebuttal Brief," (May 31, 2016).

[6] *See* Letter to the Secretary from JA Solar, "Crystalline Silicon Photovoltaic Cells, Whether Or Not Assembled into Modules, From the People's Republic of China: Withdrawal of Hearing Request," (June 2, 2016); *see also* Letter to the Secretary from Petitioner, "Certain Crystalline Silicon Photovoltaic Cells, Whether Or Not Assembled into Modules, from the People's Republic of China: Withdrawal of Request for Hearing," (June 7, 2016).

[7] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, "Issues and Decision Memorandum for the Final Results of the Countervailing Duty Administrative Review of Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China; 2013," dated concurrently with this notice (Issues and Decision Memorandum).

[8] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5)(A) of the Act regarding specificity.

[9] *See* sections 776(a) and (b) of the Act.

[10] Cross-owned affiliates are: Donghai JA Solar Technology Co., Ltd.; Hebei Ningjin Songgong Semiconductor Co., Ltd.; Hebei Ningtong Electronic Materials Co., Ltd.; Hebei Yujing Electronic Science and Technology Co., Ltd.; Hefei JA Solar Technology Co., Ltd.; JA (Hefei) Renewable Energy Co., Ltd.; JA Solar Technology Yangzhou Co., Ltd.; Jing Hai Yang Semiconductor Material (Donghai) Co., Ltd.; JingAo Solar Co., Ltd.; JingLong Industry and Commerce Group Co., Ltd.; Jingwei Electronic Material Co., Ltd.; Ningjin Changlong Electronic Materials Manufacturing Co.; Ningjin County Jingyuan New Energy Investment Co., Ltd.; Ningjin Guiguang Electronic Investment Co., Ltd.; Ningjin Jingfeng Electronic Materials Co., Ltd.; Ningjin Saimei Ganglong Electronic Materials Co., Ltd.; Ningjin Songgong Electronic Materials Co., Ltd.; Ningjing Sunshine New Energy Co., Ltd.; Ninjing Jingxing Electronic Materials Co., Ltd.; Shanghai JA Solar Technology Co., Ltd.; Solar Silicon Valley Electronic Science and Technology Co., Ltd.; Xingtai Jinglong Electronic Materials Co., Ltd.; and, Yangguang Guifeng Electronic Technology Co., Ltd.

Administrative Protective Order

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: July 12, 2016.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Period of Review
III. Scope of the Order
IV. Subsidies Valuation Information
V. Benchmarks and Discount Rates
VI. Use of Facts Otherwise Available and Adverse Inferences
VII. Analysis of Programs
VIII. Final Results of Review
IX. Analysis of Comments
  Comment 1: Usage of Export Buyer's Credit Program
  Comment 2: Selection of AFA Rate for Export Buyer's Credit Program
  Comment 3: Specificity of Aluminum Extrusion for LTAR Program
  Comment 4: Polysilicon Market Distortions
  Comment 5: Polysilicon Benchmark
  Comment 6: Solar Glass Benchmark
  Comment 7: Ocean Freight Benchmark
  Comment 8: Inclusion of VAT in LTAR Benchmarks
  Comment 9: Electricity Benchmarks
  Comment 10: Electricity Benefit Calculation
  Comment 11: Application of Uncreditworthy Discount Rates to Variable Loans
  Comment 12: Application of Uncreditworthy Discount Rates to Imported Equipment Purchases
  Comment 13: Minor Corrections
X. Recommendation

[FR Doc. 2016–17064 Filed 7–18–16; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–970]

Multilayered Wood Flooring From the People's Republic of China: Rescission of Antidumping Duty New Shipper Review; 2013–2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce ("Department") published its *Preliminary Rescission* for the new shipper review ("NSR") of the antidumping duty order on multilayered wood flooring from the People's Republic of China ("PRC") on June 2, 2016.[1] The period of review ("POR") is December 1, 2013 through November 30, 2014. As discussed below, we preliminarily found that the sale made by Qingdao Barry Flooring Co., Ltd. ("Qingdao Barry") is not *bona fide,* and announced our preliminary intent to rescind its NSR. For the final results of this review, we continue to find Qingdao Barry's sale to be non-*bona fide.* Therefore, we are rescinding this NSR.

DATES: *Effective Date:* July 19, 2016.

FOR FURTHER INFORMATION CONTACT: Maisha Cryor, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5831.

SUPPLEMENTARY INFORMATION:

Background

For a complete description of the events that followed the publication of the *Preliminary Rescission,* see the Issues and Decision Memorandum.[2] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's AD and Countervailing Duty ("CVD") Centralized Electronic Service System ("ACCESS"). ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Scope of the Order

The merchandise covered by the order is multilayered wood flooring, which is composed of an assembly of two or more layers or plies of wood veneers[3] in combination with a core.[4] Merchandise covered by this review is classifiable under subheadings 4412.31.0520; 4412.31.0540; 4412.31.0560; 4412.31.2510; 4412.31.2520; 4412.31.4040; 4412.31.4050; 4412.31.4060; 4412.31.4070; 4412.31.4075; 4412.31.4080; 4412.31.5125; 4412.31.5135; 4412.31.5155; 4412.31.5165; 4412.31.6000; 4412.31.9100; 4412.32.0520; 4412.32.0540; 4412.32.0560; 4412.32.0565; 4412.32.0570; 4412.32.2510; 4412.32.2520; 4412.32.2525; 4412.32.2530; 4412.32.3125; 4412.32.3135; 4412.32.3155; 4412.32.3165; 4412.32.3175; 4412.32.3185; 4412.32.5600; 4412.39.1000; 4412.39.3000; 4412.39.4011; 4412.39.4012; 4412.39.4019; 4412.39.4031; 4412.39.4032; 4412.39.4039; 4412.39.4051; 4412.39.4052; 4412.39.4059; 4412.39.4061; 4412.39.4062; 4412.39.4069; 4412.39.5010; 4412.39.5030; 4412.39.5050; 4412.94.1030; 4412.94.1050; 4412.94.3105; 4412.94.3111; 4412.94.3121; 4412.94.3131; 4412.94.3141; 4412.94.3160; 4412.94.3171; 4412.94.4100; 4412.94.5100; 4412.94.6000; 4412.94.7000; 4412.94.8000; 4412.94.9000; 4412.94.9500; 4412.99.0600; 4412.99.1020; 4412.99.1030; 4412.99.1040; 4412.99.3110; 4412.99.3120; 4412.99.3130; 4412.99.3140; 4412.99.3150; 4412.99.3160;

---

[1] *See Multilayered Wood Flooring From the People's Republic of China: Preliminary Rescission of 2013–2014 Antidumping Duty New Shipper Review,* 81 FR 35306 (June 2, 2016) (*"Preliminary Rescission"*); *see also* Memorandum from Maisha Cryor, Office IV AD/CVD Operations, to Abdelali Elouaradia, Director, Enforcement and Compliance, Office IV entitled "Antidumping Duty New Shipper Review of Multilayered Wood Flooring from the People's Republic of China: Preliminary *Bona Fide* Sale Analysis for Qingdao Barry Flooring Co., Ltd.," dated May 24, 2016 ("Prelim Bona Fide Memo").

[2] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary, Antidumping and Countervailing Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, entitled "Multilayered Wood Flooring From the People's Republic of China: Issues and Decision Memorandum for the Final Rescission of the 2013–2014 New Shipper Review" issued concurrently with and hereby adopted by this notice ("Issues and Decision Memorandum").

[3] A "veneer" is a thin slice of wood, rotary cut, sliced or sawed from a log, bolt or flitch. Veneer is referred to as a ply when assembled.

[4] For a complete description of the scope of the order, *see* the Issues and Decision Memorandum.

4412.99.3170; 4412.99.4100; 4412.99.5100; 4412.99.5105; 4412.99.5115; 4412.99.5710; 4412.99.6000; 4412.99.7000; 4412.99.8000; 4412.99.9000; 4412.99.9500; 4418.71.2000; 4418.71.9000; 4418.72.2000; 4418.72.9500; and 9801.00.2500 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Analysis of Comments Received

All issues raised in the case briefs by parties are addressed in the Issues and Decision Memorandum.[5] A list of the issues which parties raised is attached to this notice as an Appendix.

Bona Fide Analysis

For the *Preliminary Rescission,* the Department analyzed the *bona fides* of Qingdao Barry's single sale and preliminarily found it was not a *bona fide* sale.[6] Based on the Department's complete analysis of all of the information and comments on the record of this review, the Department continues to find Qingdao Barry's sale is not a *bona fide* sale, and it thus not reviewable pursuant to section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended (''the Act''). The Department reached this conclusion based on its consideration of the totality of circumstances, including: (a) The atypical nature of the sale price; (b) Qingdao Barry's failure to demonstrate that its first unaffiliated customer resold the merchandise at a profit; (c) the nature of the relationship between Qingdao Barry and its U.S. customer; and (d) unusual circumstances concerning payment.[7] For a complete discussion, *see* the Prelim Bona Fide Memo and the Issues and Decision Memorandum.

Rescission of New Shipper Review

For the foregoing reasons, the Department continues to find that Qingdao Barry's sale is not a *bona fide* sale and that this sale does not provide a reasonable or reliable basis for calculating a dumping margin. Because this sale was Qingdao Barry's only sale of subject merchandise during the POR, the Department is rescinding this NSR.

Assessment

As the Department is rescinding this NSR, we have not calculated a company-specific dumping margin for Qingdao Barry. Qingdao Barry remains part of the PRC-wide entity and, accordingly, its entry will be assessed at the PRC-wide rate.

Cash Deposit Requirements

Effective upon publication of this notice of final rescission of the NSR of Qingdao Barry, the Department will instruct U.S. Customs and Border Protection to discontinue the option of posting a bond or security in lieu of a cash deposit for entries of subject merchandise from Qingdao Barry. Because we did not calculate a dumping margin for Qingdao Barry or otherwise find that Qingdao Barry is eligible for a separate rate in this review, Qingdao Barry continues to be part of the PRC-wide entity. The cash deposit rate for the PRC-wide entity is 25.62 percent. These cash deposit requirements shall remain in effect until further notice.

Administrative Protective Order

This notice also serves as a reminder to parties subject to Administrative Protective Order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in these segments of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this notice in accordance with sections 751(a)(2)(B) and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.214.

Dated: July 12, 2016.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—Issues and Decision Memorandum

Summary
Background
Scope of the Order
Discussion of the Issues
  Comment 1: Whether the Department Used The Correct Time Period for Data Comparison Purposes
  Comment 2: Whether the Department Properly Evaluated the Price Differential
  Comment 3: Whether the Department Properly Considered Whether the Sale was Resold at a Profit and the Arms-Length Nature of the Sale
  Comment 4: Whether the Department Properly Analyzed Other Factors in Its Bona Fide Analysis
Recommendation

[FR Doc. 2016–17050 Filed 7–18–16; 8:45 am]

BILLING CODE 3510–DS–P

---

[5] *Id.*

[6] *See* Prelim Bona Fide Memo.

[7] *See* Issues and Decision Memorandum.

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

[Docket Number: 160706588–6588–01]

RIN 0660–XC027

State Alternative Plan Program (SAPP) and the First Responder Network Authority Nationwide Public Safety Broadband Network

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice and request for comments.

SUMMARY: The National Telecommunications and Information Administration (NTIA) publishes this Notice to provide preliminary guidance concerning how a qualified state may apply to NTIA for authority to enter into a spectrum capacity lease with the First Responder Network Authority (FirstNet) and receive a grant to construct its radio access network (RAN) should it opt to do so as allowed under the Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. 112–96, Title VI, 126 Stat. 256 (codified at 47 U.S.C. 1401 *et seq.*) (Act). NTIA also seeks public comment on this preliminary guidance through this Notice.

DATES: Submit written comments on or before August 18, 2016.

ADDRESSES: The public may submit written comments on issues addressed in this Notice. Written comments may be submitted electronically via email to: *sapp-comments@ntia.doc.gov* or by mail to: Office of Public Safety Communications, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4078, Washington, DC 20230. Comments submitted by email should be machine-readable and should not be copy-protected. Commenters should include the name of the person or organization filing the comment, as well as a page number on each page of their submissions. Paper submissions should also include a CD or DVD with an electronic version of the document, which should be labeled with the name and organization of the filer. All comments received are a part of the public record and will generally be posted to the NTIA Web site (*http://www.ntia.doc.gov*) without change. All personal identifying information (*e.g.*, name, address) voluntarily submitted by the commenter may be publicly accessible.

FOR FURTHER INFORMATION CONTACT: Carolyn Dunn, Office of Public Safety Communications, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4078, Washington, DC 20230; *sapp-comments@ntia.doc.gov;* (202) 482–4103. Please direct media inquiries to NTIA's Office of Public Affairs, (202) 482–7002; via email to: *press@ntia.doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction: Summary

The Act requires FirstNet to take all actions necessary to ensure the deployment and operation of a nationwide public safety broadband network (NPSBN).[1] The NPSBN will, by law, initially consist of a core network and a RAN that links to the core to ensure that a single, national network architecture delivers broadband services to first responders in each state.[2] Under the Act, however, a state may assume the cost and responsibility to construct, operate, maintain, and improve the RAN in its state, provided that it successfully undertakes three significant steps.

First, a state must submit its alternative plan for the construction, maintenance, operation and improvements of its RAN to the Federal Communications Commission (FCC) and meet specific interoperability criteria established by the FCC.[3] Second, if the FCC approves the state alternative plan, that state must make five separate technical and financial demonstrations to NTIA. The state must demonstrate: (1) That it has the technical capabilities to operate and the funding to support its RAN; (2) that it has the ability to maintain ongoing interoperability with the NPSBN; (3) that it has the ability to complete the project within specified comparable timelines specific to the state; (4) the cost-effectiveness of the state alternative plan submitted to the FCC; and, (5) comparable security, coverage, and quality of service to that of the NPSBN. Third, assuming the state has successfully made such demonstrations to NTIA, the state then must negotiate and enter into a spectrum capacity lease with FirstNet, which will be required for operation of the state RAN.[4]

These three steps are fundamental to achieving a core goal of the Act, which is ensuring that the NPSBN, regardless whether FirstNet or a state assumes responsibility for the RAN, will interoperate, provide seamless broadband service across the nation, and be financially and technically sustainable. The Act directs NTIA to help determine whether a state, if it decides to pursue deploying and operating the RAN, can do so in a way that delivers these essential functionalities. NTIA's goal in reviewing state requests is to ensure that the nation has access to an interoperable, sustainable, technically sound, and cost-effective NPSBN. Accordingly, each state must ensure that its RAN functions as a fully interoperable, sustainable part of the NPSBN, and that it will do so in a manner that most effectively utilizes the limited federal fiscal resources and the spectrum allocated under the Act. Thus, for example, and as discussed more fully below, a state that proposes to utilize a "greenfield" build for its RAN will be unlikely to successfully demonstrate to NTIA that its alternative plan is cost-effective.

This Notice provides initial guidance on NTIA's process to review a state's application for authority to enter into a spectrum capacity lease with FirstNet and for optional grant funds to assist in the construction of its RAN. Section II discusses applicable provisions of the Act. Section III makes clear that NTIA will treat all such requests as requests for a grant under federal law. Section III also provides general parameters of each grant request (Lease Authority or a RAN Construction Grant). Finally, Section IV specifies the manner by which each state must demonstrate compliance with the Act's requirements in order to receive either grant. For each of the five demonstrations required of states under the Act, NTIA provides initial guidance on how to present such information and how NTIA will evaluate it.

NTIA provides this preliminary guidance to better inform states and other stakeholders as several important activities continue with regard to the future NPSBN buildout and operation. We feel that this information will be of use as states continue to consult with FirstNet on the NPSBN buildout in a given state or territory. Additionally, as FirstNet's procurement advances, we feel that other stakeholders will benefit from understanding the initial framework NTIA has developed with regard to the demonstrations a state must make to NTIA should it desire to bear the responsibility to conduct the RAN within that state. Future notices, including but not limited to a forthcoming Federal Funding Opportunity (FFO) notice, will provide more details on the application processes.[5]

II. Background: Relevant Statutory Provisions

A. FirstNet's Technical Network Components and Policies

The Act requires the NPSBN to be composed of: (1) A core network consisting of national and regional data centers that connect to a RAN and the Internet/public switched network; and (2) a RAN consisting of cell site equipment, antennas, and backhaul equipment that is built and operated in consideration of state, local, and tribal consultation.[6] Further, the Act requires FirstNet to establish policies for these components, which collectively constitute the NPSBN. Under the section of the Act entitled, "Establishment of Network Policies," FirstNet must develop technical and operational NPSBN requirements, practices, procedures, and standards for NPSBN management and operation, terms of service for the use of the NPSBN, and ongoing compliance reviews and monitoring.[7]

B. A State's Options on RAN Construction, Operation, Maintenance, and Improvements

The Act requires FirstNet to develop and present to each state general details of the proposed buildout of the NPSBN, including its proposed plan for building the RAN in that state.[8] Once FirstNet presents its state plan to the governor of a given state, a state must decide whether it authorizes FirstNet to build, operate, maintain, and improve the state RAN or if it wants to take on that responsibility itself.[9] The governor has 90 days to make that decision.

FirstNet has determined that a state may choose to adopt the FirstNet state plan by either: (1) Providing actual notice in writing to FirstNet within the Act's 90-day decision period; or (2) providing no notice at all within the 90-

---

[1] *See* 47 U.S.C. 1426(b).

[2] 47 U.S.C. 1422(b). *See also* 47 U.S.C. 1401(31), defining the term "State" to include the District of Columbia and the territories and possessions.

[3] *See* 47 U.S.C. 1442(e).

[4] *See* 47 U.S.C. 1442(e)(3)(C)–(D).

[5] NTIA intends to issue such an FFO notice not later than the date on which FirstNet first delivers a proposed plan for the buildout of the NPSBN in a state.

[6] *See* 47 U.S.C. 1422(b).

[7] *See* 47 U.S.C. 1426(c)(1)(B)–(E).

[8] *See* 47 U.S.C. 1442(e)(1). While 47 U.S.C. 1442(e) is not specific to this, for purposes of this Notice, the reference to a "state" incorporates both states and territories.

[9] *See* 47 U.S.C. 1442(e)(2).

day period.[10] The process for a state to reject FirstNet's state plan and receive authority to proceed with its own RAN plan is as follows: Upon making a decision to assume responsibility for RAN deployment in the state, the governor shall notify FirstNet, NTIA, and the FCC of this decision within the 90-day decision period.[11] The governor must then develop and complete requests for proposals for the construction, maintenance, and operation of the RAN within 180 days after deciding to assume responsibility for the RAN.[12] Then, in developing its alternative plan for the construction, maintenance, operation, and improvement of the RAN that it must submit to the FCC for approval, the state must demonstrate compliance with minimum technical interoperability requirements established pursuant to the Act by a board selected by the FCC.[13] Additionally, the alternative state plan must demonstrate interoperability with the NPSBN.[14] If the FCC disapproves the alternative state plan, FirstNet shall proceed with the construction, maintenance, operation, and improvements of the NPSBN within the state.[15] Alternatively, if the FCC approves the state-developed plan, the state must then apply to NTIA for the authority to enter into a spectrum capacity lease with FirstNet to operate its RAN within the state.[16] Additionally, a state receiving FCC approval of its alternative plan may, but is not required to, apply to NTIA for grant funds to assist in the construction of its RAN.[17]

C. NTIA Analysis of State Demonstrations Regarding Ongoing RAN Responsibilities

If a state wishes to assume the responsibility to construct, operate, maintain, and improve its own RAN, NTIA must evaluate a state's demonstrations of specific criteria set forth in the Act, which address its ability to operate the RAN on technical, financial, interoperability, programmatic, and qualitative levels. If successful, NTIA will grant the: (1) Required authorization to enter into a spectrum capacity lease from FirstNet to operate its state RAN; and (2) optional eligibility to receive grant funds from NTIA to construct its state RAN.[18] Specifically, the Act requires a state to demonstrate the following:

1. The state has the technical capabilities to operate, and the funding to support, the state RAN;

2. The state has the ability to maintain ongoing RAN interoperability with the NPSBN;

3. The state has the ability to complete the RAN buildout within specified comparable timelines specific to the state;

4. The cost-effectiveness of the state alternative plan; and

5. The ability to provide RAN security, coverage, and quality of service comparable to that of the NPSBN.[19]

D. Utilization of FirstNet's Statutory Interpretations

FirstNet has interpreted some of the statutory provisions described above. These include the consequences of a state's failure to meet NTIA-reviewed criteria at least with respect to a state application for authority to enter into a spectrum capacity lease with FirstNet; the consequences of a state's failure to implement an FCC-approved alternative state plan; and any determination regarding the Act's Section 6302(g)(2) limitation of a state's use of revenues emanating from covered leasing agreements exclusively to RAN construction, maintenance, operations, and improvements.[20] These and other interpretations may directly bear upon the issues in this Notice and any additional Notices relating to NTIA's duties described in this Notice and pursuant to the Act. NTIA will utilize FirstNet's relevant interpretations of provisions of the Act in carrying out its responsibilities on these matters.

III. Overview of Applications for Grant of Authority To Enter Into a Spectrum Capacity Lease With FirstNet and RAN Construction Funding

As noted above, states must submit, and NTIA must review, requests by states whose state alternative plans are approved by the FCC for: (1) Grant of authority to enter into a spectrum capacity lease from FirstNet (Lease Authority); and (2) the optional request for RAN construction grant funding (RAN Construction Grant). The Act makes clear that a qualified state must request Lease Authority from NTIA so that the state may enter into an agreement to use spectrum licensed to FirstNet to operate the state's RAN.[21]

As a threshold matter, NTIA has determined that each of these requests are grant requests under federal regulations, and that approval of such requests are grants of something of value provided by NTIA. We make this determination pursuant to the Federal Grants and Cooperative Agreement Act of 1977, which makes clear that "[a]n executive agency shall use a grant agreement as the legal instrument reflecting a relationship between the United States Government and a State, a local government, or other recipient when—(1) the principal purpose of the relationship is to transfer a thing of value to the State or local government or other recipient to carry out a public purpose of support or stimulation authorized by a law of the United States instead of acquiring (by purchase, lease, or barter) property or services for the direct benefit or use of the United States Government. . . ."[22] NTIA will evaluate a state's request for Lease Authority, or its request for Lease Authority plus an optional RAN Construction Grant, as a single grant application.

Such applications will be processed pursuant to a forthcoming FFO notice providing specific details on the application and grant program requirements.[23] NTIA expects to establish additional application requirements for the RAN Construction Grant that are commensurate with application requirements for other federal construction grant programs.

---

[10] First Responder Network Authority, *Final Interpretations of Parts of the Middle Class Tax Relief and Job Creation Act of 2012,* 80 FR 63504, 63506 (Oct. 20, 2015) (FirstNet Final Interpretations on Second Notice).

[11] *See* 47 U.S.C. 1442(e)(3)(A).

[12] *See* 47 U.S.C. 1442(e)(3)(B).

[13] *See* 47 U.S.C. 1442(e)(3)(C)(i)(I) (requiring a state alternative plan to be in compliance with minimum technical interoperability requirements established by the Technical Advisory Board for First Responder Interoperability pursuant to the Act); *see also* Interoperability Board, Recommended Minimum Technical Requirements to Ensure Nationwide Interoperability for the Nationwide Public Safety Broadband Network (May 22, 2012), available at *http://apps.fcc.gov/ecfs/document/view?id=7021919873.*

[14] 47 U.S.C. 1442(e)(3)(C)(i)(II).

[15] *See* 47 U.S.C. 1442(e)(3)(C)(iv).

[16] *See* 47 U.S.C. 1442(e)(3)(C)(iii)(II).

[17] *See* 47 U.S.C. 1442(e)(3)(C)(iii)(I).

[18] *See* 47 U.S.C. 1442(e)(3)(D).

[19] *Id.*

[20] *See* First Responder Network Authority, *Proposed Interpretations of Parts of the Middle Class Tax Relief and Job Creation Act of 2012,* 79 FR 57058 (Sept. 24, 2014) (FirstNet First Notice); First Responder Network Authority, *Final Interpretations of Parts of the Middle Class Tax Relief and Job Creation Act of 2012,* 80 FR 63523 (Oct. 20, 2015) (FirstNet Final Interpretations on First Notice); FirstNet Final Interpretations on Second Notice.

[21] *See* 47 U.S.C. 1442(e)(3)(C)(iii)(II). In contrast, applying to NTIA for construction grant funds by such a State is optional. *See* 47 U.S.C. 1442(e)(3)(C)(iii)(I).

[22] *See* Federal Grants and Cooperative Agreement Act of 1977, sec. 5, Public Law 95–224, 92 Stat. 3, 4 (Feb. 3, 1978) (codified at 31 U.S.C. 6304).

[23] NTIA has termed the non-monetary grant of authority by NTIA to a state to enter into a spectrum capacity lease pursuant to 47 U.S.C. 1442(e)(3)(C)(iii)(II) of the Act as a "Lease Authority" to avoid the erroneous interpretation that grant of such authority will involve the grant of funds.

NTIA must evaluate either grant request on the identical demonstration criteria set forth in 47 U.S.C. 1442(e)(3)(D). Below, we address procedural issues common to both types of requests and those distinct for each type of grant application pursuant to the Act.

A. Grant Procedures Common to Lease Authority and a RAN Construction Grant

1. *Timing of Applications to NTIA.* The Act does not spell out deadlines for the submission of grant applications to NTIA. However, given the need for the NPSBN to be built in a timely manner, the upcoming FFO notice will establish deadlines by which a state must file its application. NTIA tentatively sets this deadline to be no later than 60 days after the FCC has approved a state's alternative plan.

2. *Eligible Applicants.* Eligible applicants for Lease Authority or a RAN Construction Grant will be those states and territories of the United States whose alternative state plan was approved by the FCC pursuant to the Act.[24]

3. *Discretionary Grants.* Because the Act did not establish mandatory funding levels for each eligible grantee, Lease Authority and RAN Construction Grants are considered discretionary grants. Therefore, NTIA is authorized to grant or reject applications and determine final award amounts, based on an assessment against the statutory demonstration criteria and other factors that will be detailed in the FFO.

4. *Common Demonstration Evaluation.* NTIA will apply an identical method of evaluation of the state demonstrations pursuant to 47 U.S.C. 1442(e)(3)(D) to both types of grant requests. Should a state apply for both Lease Authority and a RAN Construction Grant, NTIA will conduct one review of the state's joint submission.

5. *Rolling Application Evaluation.* NTIA will review and make determinations on state applications for Lease Authority or a RAN Construction Grant on a rolling basis following the FCC's approval of a state's alternative plan and submission of a state's required demonstrations to NTIA. We recognize that making timely decisions on a state's application is critical to ensuring the NPSBN is deployed and operational in every state—regardless of the party ultimately responsible for conducting a RAN in a given state. While NTIA has not fully developed specific details on the application and grant program requirements, we will review applications as expeditiously as possible to further the intent of the Act to speed NPSBN deployment.

6. *Evaluation of RAN as Approved by FCC in Alternative State Plan.* For purposes of either grant request, NTIA will evaluate the proposed RAN as it has been approved by the FCC. Thus, a state's grant application and corresponding additional demonstrations should address the alternative state plan approved by the FCC. NTIA intends to review all relevant aspects of a state's approved plan, which may include the RAN and deployable components, as well as proposed devices, applications, and services.

B. General Parameters for Lease Authority

If the FCC approves a state's alternative plan, the state must request Lease Authority from NTIA to obtain from FirstNet the right to operate its RAN on the Band 14 spectrum licensed to FirstNet.[25] NTIA will not award or approve any such spectrum capacity lease itself. NTIA's role is limited to determining whether a state has demonstrated compliance with the required technical, financial, interoperability, programmatic, and qualitative criteria so that it can authorize the state to enter into a spectrum lease with FirstNet.

C. General Parameters for a RAN Construction Grant

1. *Spectrum Capacity Lease Condition Precedent for RAN Construction Grant Obligation.* A state cannot apply for a RAN Construction Grant without also applying for Lease Authority. Accordingly, NTIA will review a single application for both a Lease Authority Grant and a RAN Construction Grant and make determinations about whether the state has sufficiently demonstrated compliance with the required criteria of 47 U.S.C. 1442(e)(3)(D). If so, NTIA will award that state Lease Authority. However, NTIA will not award RAN Construction Grant funding until that state has fully executed a spectrum capacity lease agreement with FirstNet.

2. *Determining RAN Construction Grant Funding Level.* NTIA is developing a process for determining funding levels for each state that may apply for a RAN Construction Grant. In developing this process, NTIA may take into consideration cost increases FirstNet will incur should a state assume the responsibility to conduct its own RAN, and may reduce a final grant award accordingly. For example, FirstNet may incur increased costs to mitigate additional operational risks to the NPSBN, and losses of cost efficiencies, if a state assumes responsibility for the construction and operation of the RAN within its boundaries. Additionally, should a state conduct its own RAN, FirstNet may bear increased expenses related to interconnection of the state RAN to the NPSBN and mitigation of potential interference by the state RAN to the NPSBN operations in a bordering state. Further, the final grant award amount to a state may be impacted by financial factors, such as how efficiently FirstNet and its partner(s) can build the RAN for that state and the projected income from that state's partnership agreement(s) and all other revenue sources. Additionally, NTIA will set forth any cost sharing requirements for the RAN Construction Grant in the forthcoming FFO.

3. *Allowable costs.* RAN Construction Grant allowable costs will be limited to categories of costs, such as equipment, construction, installation, contractual, and other associated costs related to construction of the state's RAN as detailed in the state alternative plan approved by the FCC. Ongoing maintenance, operation (inclusive of all recurring costs), and improvement costs are not eligible grant expenses. A RAN Construction Grant may fund a portion of the overall cost of the construction of a state's RAN, and any unanticipated costs beyond the RAN Construction Grant award are the responsibility of the state. Further, a state's decision to propose to NTIA a more costly plan than what is proposed in the FirstNet state plan will be at the state's discretion and expense; the RAN Construction Grant award will not be increased to accommodate any such proposal.

4. *Partnership Valuation.* Applicants will be required to disclose the value of any partnering agreement that will enable and support the state in the construction and/or operation of the state RAN. Further, a state must demonstrate how any such agreement and state policies and procedures will ensure that revenues from such an agreement will be used only for constructing, maintaining, operating, and improving the state RAN pursuant to the Act and not for any other purpose.[26]

5. *Environmental Compliance.* NTIA will require that all of a state's RAN Construction Grant-funded activities

---

[24] *See* 47 U.S.C. 1442(e)(3)(C)(ii).

[25] 47 U.S.C. 1442(e)(3)(C)(iii)(II).

[26] *See* 47 U.S.C. 1442(g).

comply with the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), and other applicable federal environmental requirements.[27]

IV. Lease Authority and RAN Construction Grant Application Demonstrations

Central to the Act's provision of Lease Authority and a RAN Construction Grant is a detailed set of demonstrations a state must make to NTIA to establish eligibility for these grant opportunities.[28] These demonstrations are separate and distinct from any demonstrations required of a state in its alternative state plan submitted to the FCC pursuant to the Act.[29] The required demonstrations to NTIA are distinct in that they address: (1) the ability to maintain ongoing interoperability, rather than the capability of interoperability as of the time the state plan is submitted to the FCC; (2) the technical and financial viability of the proposed RAN deployment, operation, maintenance, and improvement; and (3) the state's planned timelines, security, coverage, and quality of service as compared to that of the NPSBN.[30]

NTIA interprets each of the criteria in 47 U.S.C. 1442(e)(3)(D) below to provide NTIA's preliminary view on how states should make the required demonstrations and how NTIA will evaluate each criterion. The forthcoming FFO notice will provide more specific, quantifiable, and finalized criteria and application questions.

A. The Technical Capabilities To Operate, and the Funding To Support, the State RAN[31]

Under this provision of the Act, a state must demonstrate: (1) That it can operate the state RAN on a technical level; and (2) that it has the financial resources to do so. We discuss how a state can effectively make each part of this demonstration below.

As a primary matter, a state must be able to demonstrate with specificity that it can operate its RAN on a technical level. To make such a demonstration, it must have a technical standard against which its demonstrations may be measured. As established in the Act, all components of the NPSBN, including the core network and the RAN, must be operated under common technical network policies.[32] To give meaning to the Act's focus on ensuring technical compatibility and interoperability across each part of the NPSBN, NTIA believes that these policies must be applied to any portion of the RAN, regardless whether FirstNet or a state assumes responsibility for the building, operation, maintenance, and improvement of the RAN in a given state. Accordingly, the network policies that apply to FirstNet as it ensures the building, operation, maintenance, and improvement of the NPSBN core and any portion of the RAN also must apply to a state seeking to build, operate, maintain, and improve the RAN in its state. Applying the network policies uniformly to all parts of the RAN helps ensure the NPSBN will function uniformly and in a manner that best serves public safety, consistent with the Act's requirement to create a single, nationwide architecture.[33] Therefore, a state will need to be compliant with the RAN-specific network policies established by FirstNet as required by the Act in order to meet the demonstrations required in 47 U.S.C. 1442(e)(3)(D).

From a resource management perspective, NTIA will require a state to identify the proposed management capabilities and organizational structure of its RAN project team.[34] Further, NTIA will require a state to provide information on its planned staff size and technical operations to demonstrate how the state's staffing plan, if properly funded, will ensure that the RAN is built, operated, and maintained in accordance with the RAN-specific network policies FirstNet establishes. A forthcoming FFO notice will provide additional details regarding the technical capabilities a state must demonstrate under 47 U.S.C. 1442(e)(3)(D)(i)(I).

In addition to this technical showing, 47 U.S.C. 1442(e)(3)(D)(i)(I) requires a state to demonstrate that it has the financial resources to build, operate, maintain, and improve the RAN for the duration of the requested authorized operation. In that context, a state will be required to provide its budgeting documents and staffing plan for its operations and must disclose its sources of funding for its RAN (*e.g.,* whether such funds are covered lease fees or other state fees, state appropriations, in-kind contributions, or grants). Further, a state must disclose any partnership agreement (whether or not such an agreement constitutes a "public-private partnership" or "covered leasing agreement" under the Act)[35] it has executed, or intends to execute, with respect to its RAN. A state will also need to address funding risks and lifecycle plans in its demonstrations and how these may impact its ability to financially support the implementation of FirstNet's RAN-specific network policies. Among other things, NTIA may require surety bonds to ensure RAN construction completion in the event of default by the state's RFP partner.

B. The Ability To Maintain Ongoing Interoperability With the Nationwide Public Safety Broadband Network[36]

Under this requirement, a state must demonstrate that its RAN and other network attributes will be interoperable with the NPSBN on an "ongoing" basis. Consistent with the interoperability demonstration a state must make to the FCC in its state alternative plan, NTIA will determine interoperability with the NPSBN if a state demonstrates the ability to ensure that its RAN is capable of: 1) meeting the Interoperability Board Minimum Technical Requirements; and 2) interoperating with the NPSBN.[37] To the extent FirstNet's network policies establish interoperability requirements, NTIA will consider a state's demonstration of adoption of and long-term capability of compliance with those requirements, including potential changes in policies, as strong evidence of a state RAN's interoperability with the NPSBN from a technical perspective.

---

[27] The National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), and other such federal policy directives require federal administrative agencies to factor environmental and historic preservation considerations into their discretionary decision-making, including federally funded actions such as grants. NEPA directs that federal agencies implement, "to the fullest extent possible," methods and procedures designed to accord environmental and historic preservation factors appropriate consideration. *See* 42 U.S.C. 4332. Therefore, RAN Construction activities will be subject to compliance with NEPA and NHPA and such requirements will be set out in the FFO.

[28] *See* 47 U.S.C. 1442(e)(3)(D).

[29] *See* 47 U.S.C. 1442(e)(3)(C)(i)–(ii). For the FCC review, the state alterative plan must demonstrate interoperability: a) at the technical level via compliance with the Interoperability Board Minimum Technical Requirements; and b) with the NPSBN.

[30] *See* 47 U.S.C. 1442(e)(3)(D) (providing the requirements that a qualified state must show to obtain grant funds and spectrum capacity leasing rights).

[31] *See* 47 U.S.C. 1442(e)(3)(D)(i)(I) (requiring that a qualified state has the technical capabilities to operate, and funding to support, its RAN).

[32] *See* 47 U.S.C. 1426(b)(1).

[33] *See* 47 U.S.C. 1422(b) ("The [NPSBN] shall be based on a single, national network architecture . . . .").

[34] NTIA may require a state to provide information on each key staff member (*e.g.,* status as partner employee, government employee, contractor, or consultant; curriculum vitae; operational function via organizational chart).

[35] *See* 47 U.S.C. 1442(g) (stating prohibitions which a state must adhere to in developing partnership arrangements).

[36] *See* 47 U.S.C. 1442(e)(3)(D)(i)(II) (stating a State must show the ability to maintain ongoing interoperability with the NPSBN).

[37] *See* 47 U.S.C. 1442(e)(3)(C)(i).

However, the 47 U.S.C. 1442(e)(3)(D)(i)(II) demonstration must include a state's ability to ensure ongoing interoperability with the NPSBN. Thus, a state must demonstrate that its entire operation as authorized by the FCC, insofar as it engages any RAN or core elements of the NPSBN, will be interoperable on an ongoing basis. For this reason, a state's demonstration must also show how, for example, any deployable RAN components and related applications the state intends to use will be interoperable with the NPSBN. This demonstration must include technical attributes and a plan for ensuring, through staffing and resources, the ability to meet those technical imperatives. Additionally, NTIA may require that a state demonstrate the ability to maintain ongoing interoperability with the NPSBN from a non-technical standpoint and require information on planned RAN governance models, standard operating procedures, training and exercises, and usage.

As a state must show capability of "ongoing" interoperability with the NPSBN, a state's demonstration must be forward looking and illustrate how its RAN and other network attributes will be interoperable with the NPSBN over time. Recognizing that the ongoing aspect of interoperability will largely be facilitated by a state's partner charged with constructing, operating, maintaining, and improving the RAN, NTIA will require that any state partnership agreement ensures the RAN will be interoperable with the NPSBN from deployment onward. Such a requirement may include demonstration of a partner's commitment to complying with FirstNet's evolving interoperability-based network policies.

Further, a state's RAN must be capable of interoperability with the NPSBN as it evolves and improves throughout the duration of the proposed RAN operation by the state, including compliance with new or evolving network policies. Such demonstrations should also include evidence that the state has the funding to fulfill these necessary elements for maintaining ongoing interoperability as detailed in Section IV. B.

C. The Ability To Complete the Project Within Specified Comparable Timelines Specific to the State [38]

FirstNet currently anticipates that its state plans will include timelines for NPSBN buildout as "minimum legally required contents of a FirstNet plan for a State" against which a state may present project completion time frames for comparison in its demonstration to NTIA.[39] Accordingly, we require that a state's demonstration to NTIA contain specified timelines for the completion of its project as authorized by the FCC. These timelines must be of the same number, nature, and type as those presented to the state by FirstNet in its proposed state plan so that identical benchmark topics and timeframes may be readily compared and assessed.

D. The Cost-Effectiveness of the State Plan Submitted to the FCC

NTIA will require that a state alternative plan, as submitted by a state to and approved by the FCC pursuant to the Act, is the plan at issue in this required demonstration. We believe every aspect of that plan as itemized in the Act—RAN construction, maintenance, operation, and improvement[40]—must be assessed for cost-effectiveness for the duration of the requested authorized operation.

In determining cost-effectiveness, NTIA may assess areas, including but not limited to, the proposed federal and state partner share of the RAN cost; the value, use, and revenue return of spectrum and other assets; and overall financial value of the proposed plan. For example, a state plan that proposes a "greenfield" build (one that does not leverage existing infrastructure and/or a public-private partnership and deploys a network solely consisting of new components) is not likely to demonstrate cost effectiveness. Additionally, the Act makes clear that a nationwide buildout can provide significant economies of scale across state boundaries that can leverage existing infrastructure when feasible and reduce the cost of NPSBN RAN construction in any given state or territory. NTIA will take these cross-border economies into account in the context of a state opt-out plan's cost effectiveness.

E. Comparable Security, Coverage, and Quality of Service to That of the NPSBN[41]

FirstNet anticipates including specific details on security, coverage, and quality of service in its proposed plan for the buildout of the NPSBN in a given state.[42] This will form the basis around which a state should build its demonstration pursuant to 47 U.S.C. 1442(e)(3)(D)(iii). NTIA will compare the security, coverage, and quality of service aspects of a state's demonstration to the equivalent elements and for the equivalent duration in FirstNet's proposed plan for the buildout of the NPSBN in that state.

With respect to coverage, we note that the Act requires the NPSBN to include "substantial rural coverage milestones as part of each phase of the construction and deployment of the network."[43] As a result, any state with significant rural areas should include substantial rural coverage milestones as part of its overall demonstration to enable NTIA to make an appropriate rural buildout plan comparison between the two plans.

V. Request for Public Comment and Ex Parte Communications

NTIA invites public comment on any and all issues identified in this Notice. Any non-public oral presentation to NTIA regarding the substance of this Notice will be considered an ex parte presentation, and the substance of the meeting will be placed on the public record and become part of this docket. No later than two (2) business days after an oral presentation or meeting, an interested party must submit a memorandum to NTIA summarizing the substance of the communication. NTIA reserves the right to supplement the memorandum with additional information as necessary, or to request that the party making the filing do so, if NTIA believes that important information was omitted or characterized incorrectly. Any written presentation provided in support of the oral communication or meeting will also be placed on the public record and become part of this docket. Such ex parte communications must be submitted to this docket as provided in the **ADDRESSES** section above and clearly labeled as an ex parte presentation. Federal entities are not subject to these procedures.

---

[38] *See* 47 U.S.C. 1442(e)(3)(D)(i)(III) (providing that states must demonstrate the ability to complete projects with specified timelines).

[39] FirstNet Second Notice, 80 FR at 13342.

[40] *See* 47 U.S.C. 1442(e)(3)(C)(i).

[41] *See* § 1442(e)(3)(D)(iii).

[42] *See* FirstNet Second Notice, 80 FR at 13342.

[43] 47 U.S.C. 1426(b)(3).

Dated: July 14, 2016.

Lawrence E. Strickling,

Assistant Secretary for Communications and Information.

[FR Doc. 2016–17034 Filed 7–18–16; 8:45 am]

BILLING CODE 3510–60–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, CNCS is soliciting comments concerning its proposed new application instructions for AmeriCorps Affiliate.

Brief description: Applicants for the AmeriCorps Affiliate program will submit an application following the application instructions. Completion of the information collection is required to be considered for Education Awards. No grant funding is available through AmeriCorps Affiliate.

Copies of the information collection request can be obtained by contacting the office listed in the **ADDRESSES** section of this Notice.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by September 19, 2016.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) *By mail sent to:* Corporation for National and Community Service, CPO Office; Attention Patti Stengel, Senior Program Officer for Grants and Initiatives, Room 3208B; 250 E St. SW., Washington, DC 20525.

(2) By hand delivery or by courier to the CNCS mailroom at Room 4200 at the mail address given in paragraph (1) above, between 9:00 a.m. and 4:00 p.m. Eastern Time, Monday through Friday, except Federal holidays.

(3) Electronically through *www.regulations.gov.*

Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Patti Stengel, 202–606–6745, or by email at *pstengel@cns.gov.*

SUPPLEMENTARY INFORMATION: CNCS is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are expected to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submissions of responses).

Background

Applicants for the AmeriCorps Affiliate program provide information through the use of the application instructions. Applicants use these application instructions to submit their application for Education Awards. This program provides only designations of positions as approved national service positions. CNCS may not award financial resources to applicants under this authority. The application information is collected electronically through the CNCS eGrants system.

Current Action

This is a new information collection request. This new information collection would allow for an open competition to be an AmeriCorps Affiliate sponsor.

There are no current approved application instructions for the AmeriCorps Affiliate program.

Type of Review: New.

Agency: Corporation for National and Community Service.

Title: AmeriCorps Affiliate Application Instructions.

OMB Number: None.

Agency Number: None.

Affected Public: The public affected are applicant organizations for AmeriCorps Affiliate.

Total Respondents: An estimated 20 organizations will respond each year.

Frequency: At most, the frequency is annual. Applications will be received and reviewed on a rolling basis up to three times each year. The AmeriCorps Affiliate competition will result in three year agreements. Applicants selected will also use these instructions to apply annually for continuation Education Awards.

Average Time per Response: Averages 10 hours.

Estimated Total Burden Hours: 200 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: July 14, 2016.

Kim Mansaray,

Chief of Program Operations.

[FR Doc. 2016–17048 Filed 7–18–16; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Board on Coastal Engineering Research

AGENCY: Department of the Army, DoD.

ACTION: Notice of Advisory Committee meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the Board on Coastal Engineering Research. This meeting is open to the public.

DATES: The Board on Coastal Engineering Research will meet from 8:00 a.m. to 2:30 p.m. on August 9, 2016, and reconvene from 8:00 a.m. to 5:00 p.m. on August 10, 2016. The Executive Session of the Board will convene from 8:00 a.m. to 12:00 p.m. on August 11, 2016.

ADDRESSES: All sessions will be held at the Caribe Hilton San Cristobal Jr.

Ballroom 1 San Geronimo Street, San Juan, PR 00907. All sessions, including the Executive Session are open to the public. For more information about the Board, please visit *http://www.erdc.usace.army.mil/Media/Fact-Sheets/Fact-Sheet-Article-View/Article/740763/usace-coastal-engineering-research-board/*

FOR FURTHER INFORMATION CONTACT: COL Bryan S. Green Designated Federal Officer (DFO), U.S. Army Engineer Research and Development Center, Waterways Experiment Station, 3909 Halls Ferry Road, Vicksburg, MS 39180–6199, phone 601–634–2513, or *Bryan.S.Green@usace.army.mil.*

SUPPLEMENTARY INFORMATION: The meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150. The Board on Coastal Engineering Research provides broad policy guidance and reviews plans for the conduct of research and the development of research projects in consonance with the needs of the coastal engineering field and the objectives of the U.S. Army Chief of Engineers.

Purpose of the Meeting: The theme of the meeting is "A Systems Approach along Heterogeneous Coasts." The purpose of the meeting is to identify research and technical capabilities required to integrate a patchwork of natural, urban, and partially developed coasts in a narrow shelf island environment to maximize value and minimize risk. Puerto Rico is a testbed to understanding the coupling between an inland watershed and coastal processes and hazards.

Agenda: On Tuesday morning, August 9, 2015, panel presentations will deal with Puerto Rico State of the Coast. Presentations will include Puerto Rico's Coastal Risk Challenges, Puerto Rico Water Resources Infrastructure Challenges, and Regional Sediment Management (RSM) Challenges on the Highly Variable North Shoreline (A Primer for the Field Trip). There will be an optional field trip Tuesday afternoon, which is open to the public. It includes a bus tour to Piñones and a presentation on Variable Morphology and Associated Challenges and a tour to Loíza with a presentation on Work Done to Date, RSM Challenges, and Research Needs.

On Wednesday morning, August 10, 2016, the Board will reconvene to discuss Addressing Coastal Research Challenges. Presentations will include Challenges Characterizing Heterogeneous Coasts; Generation 2 Coastal Risk Model; Project Impacts Due to Deficient Processes Models; Puerto Rico Modeling Testbed, Waves, Surge, and Coral Reefs; State of Knowledge and Capability for Urban Flood Modeling; Modeling Storm Surge in Puerto Rico; and Integrated Watershed Infrastructure Interdependencies. Wednesday afternoon session continues with the Addressing Coastal Research Challenges panel. Presentations include Application of USACE Modeling Tools in Puerto Rico; CARICOOS: Ocean Observing in Support of Coastal Engineering and Navigation; Artificial Reef Systems in High Energy Environments; Coastal Dune Research; and Integrated Federal Coastal Nearshore Processes Research Implementation Plan.

The Board will meet in Executive Session to discuss ongoing initiatives and future actions on Thursday morning, August 11, 2016.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, the meeting is open to the public. Because seating capacity is limited, advance registration is required. For registration requirements please see below.

Oral participation by the public is scheduled for 3:45 p.m. on Wednesday, August 10, 2016. The Caribe Hilton Hotel is fully handicap accessible. For additional information about public access procedures, please contact COL Bryan S. Green, the Board's DFO, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Registration: It is encouraged for individuals who wish to attend the meeting of the Board to register with the DFO by email, the preferred method of contact, no later than July 29, using the electronic mail contact information found in the **FOR FURTHER INFORMATION CONTACT** section. The communication should include the registrant's full name, title, affiliation or employer, email address, and daytime phone number. If applicable, include written comments or statements with the registration email.

Written Comments and Statements: Pursuant to 41 CFR 102–3.015(j) and 102–3.140 and section 10(a)(3) of the FACA, the public or interested organizations may submit written comments or statements to the Board, in response to the stated agenda of the open meeting or in regard to the Board's mission in general. Written comments or statements should be submitted to COL Bryan S. Green, DFO, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. The DFO will review all submitted written comments or statements and provide them to members of the Board for their consideration. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the DFO at least five business days prior to the meeting to be considered by the Board. The DFO will review all timely submitted written comments or statements with the Board Chairperson and ensure the comments are provided to all members of the Board before the meeting. Written comments or statements received after this date may not be provided to the Board until its next meeting.

Verbal Comments: Pursuant to 41 CFR 102–3.140d, the Board is not obligated to allow a member of the public to speak or otherwise address the Board during the meeting. Members of the public will be permitted to make verbal comments during the Board meeting only at the time and in the manner described below. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least five business days in advance to the Board's DFO, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. The DFO will log each request, in the order received, and in consultation with the Board Chair, determine whether the subject matter of each comment is relevant to the Board's mission and/or the topics to be addressed in this public meeting. A 30-minute period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment, and whose comments have been deemed relevant under the process described above, will be allotted no more than five minutes during this period, and will be invited to speak in the order in which their requests were received by the DFO.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2016–16918 Filed 7–18–16; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

President's Board of Advisors on Historically Black Colleges and Universities

AGENCY: U.S. Department of Education, President's Board of Advisors on Historically Black Colleges and Universities, Office of Undersecretary, U.S. Department of Education.

ACTION: Announcement of an open meeting.

SUMMARY: This notice sets forth the agenda for the July 22, 2016, meeting of the President's Board of Advisors on Historically Black Colleges and Universities (PBA) and provides information to members of the public on submitting written comments and on the process as to how to request time to make oral comments at the meeting. The notice also describes the functions of the Board. Notice of the meeting is required by § 10(a)(2) of the Federal Advisory Committee Act and intended to notify the public of its opportunity to attend. This notice is being published less than 15 days due to ensuring five new Board members appointed by the President within the last two weeks were officially vetted in order to attend the meeting and establish quorum.

DATES: The PBA meeting will be held on July 22, 2016, from 9 a.m. to 2:00 p.m. E.D.T. in the Sky Room of the Beach House Hilton Head Island, 1 S. Forest Beach Drive, Hilton Head Island, South Carolina 29928.

FOR FURTHER INFORMATION CONTACT: Sedika Franklin, Associate Director, U.S. Department of Education, White House Initiative on Historically Black Colleges and Universities, 400 Maryland Avenue SW., Washington, DC 20204; telephone: (202) 453–5634 or (202) 453–5630, fax: (202) 453–5632, or email *sedika.franklin@ed.gov.*

SUPPLEMENTARY INFORMATION:

PBA's Statutory Authority and Function: The President's Board of Advisors on Historically Black Colleges and Universities (the Board) is established by Executive Order 13532 (February 26, 2010) and continued by Executive Order 13708 which was signed by the President on September 30, 2015. The Board is governed by the provisions of the Federal Advisory Committee Act (FACA), (Pub. L. 92–463; as amended, 5 U.S.C.A., Appendix 2) which sets forth standards for the formation and use of advisory committees. The purpose of the Board is to advise the President and the Secretary of Education (Secretary) on all matters pertaining to strengthening the educational capacity of Historically Black Colleges and Universities (HBCUs).

The Board shall advise the President and the Secretary in the following areas: (i) Improving the identity, visibility, and distinctive capabilities and overall competitiveness of HBCUs; (ii) engaging the philanthropic, business, government, military, homeland-security, and education communities in a national dialogue regarding new HBCU programs and initiatives; (iii) improving the ability of HBCUs to remain fiscally secure institutions that can assist the nation in reaching its goal of having the highest proportion of college graduates by 2020; (iv) elevating the public awareness of HBCUs; and (v) encouraging public-private investments in HBCUs.

Meeting Agenda: Members of the public who which to listen to the meeting via telephone may dial (877) 952–8895.

Participant Code: 6588206. In addition to its review of activities prior to July 22, 2016, the meeting agenda will include Chairman William R. Harvey's report on HBCU issues and concerns; Deputy Under Secretary of the U.S. Department of Education and Acting Executive Director/Designated Federal Official of the Initiative, Kim Hunter Reed will provide an update on current priorities of the White House Initiative on HBCUs to include planning strategies and initiatives; Kim Hunter Reed will also provide an update on education policies relevant to HBCUs; and Chairman Harvey and Acting Executive Director Hunter Reed will welcome newly appointed members of the advisory board and lead a conversation regarding how the Board will complete its work as the Administration draws to a close; Chairman Harvey will open the floor for subcommittee reports (Black Males, Strategy, Science Technology Engineering and Mathematics (STEM), Community Colleges and Aspirational Support) and for the full Board to receive and vote on recommendations from each subcommittee; and HBCU Stakeholder groups will provide updates on issues and concerns relative to their member institutions. The public comment period will begin immediately following the conclusion of such reports.

Submission of requests to make an oral comment: There are two methods the public may use to provide an oral comment pertaining to the work of the Board at the July 22, 2016 meeting.

Method One: Submit a request by email to the *whirsvps@ed.gov* mailbox. Please do not send materials directly to PBA members. Requests must be received by July 18, 2016. Include in the subject line of the email request "Oral Comment Request: (organization name)." The email must include the name(s), title, organization/affiliation, mailing address, email address, telephone number, of the person(s) requesting to speak, and a brief summary (not to exceed one page) of the principal points to be made. All individuals submitting an advance request in accordance with this notice will be afforded an opportunity to speak for three minutes.

Method Two: Register at the meeting location on July 18, 2016, to make an oral comment during the the public comment period. The requestor must provide his or her name, title, organization/affiliation, mailing address, email address, and telephone number. Individuals will be selected on a first-come, first-served basis. If selected, each commenter will have an opportunity to speak for three minutes.

All oral comments made will become part of the official record of the Board. Similarly, written materials distributed during oral presentations will become part of the official record of the meeting.

Submission of written public comments: The Board invites written comments, which will be read during the Public Comment segment of the agenda. Comments must be received by July 18, 2016, in the *whirsvps@ed.gov* mailbox, include in the subject line "Written Comments: Public Comment". The email must include the name(s), title, organization/affiliation, mailing address, email address, and telephone number, of the person(s) making the comment. Comments should be submitted as a Microsoft Word document or in a medium compatible with Microsoft Word (not a PDF file) that is attached to an electronic mail message (email) or provided in the body of an email message. Please do not send material directly to the PBA members.

Access to Records of the Meeting: The Department will post the official report of the meeting on the PBA Web site 90 days after the meeting. Pursuant to the Federal Advisory Committee Act (FACA), the public may also inspect the materials at 400 Maryland Avenue SW., Washington, DC, by emailing *oswhi-hbcu@ed.gov* or by calling (202) 453–5634 to schedule an appointment.

Reasonable Accommodations: The meeting site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (*e.g.,* interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice at least one week before the meeting date. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Authority: Presidential Executive Order 13532, continued by Executive Order 13708.

Ted Mitchell,

Under Secretary.

[FR Doc. 2016–16928 Filed 7–18–16; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge Reservation. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Saturday, August 6, 2016, 9:00 a.m. to 2:30 p.m.

ADDRESSES: Tremont Lodge, 7726 East Lamar Alexander Parkway, Townsend, Tennessee 37882.

FOR FURTHER INFORMATION CONTACT: Melyssa P. Noe, Alternate Deputy Designated Federal Officer, U.S. Department of Energy, Oak Ridge Office of Environmental Management, P.O. Box 2001, EM–942, Oak Ridge, TN 37831. Phone (865) 241–3315; Fax (865) 241–6932; E-Mail: *Melyssa.Noe@orem.doe.gov.* Or visit the Web site at *www.energy.gov/orssab.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

- Welcome and Opening Remarks
- Comments from the Deputy Designated Federal Officer (DDFO)
- Comments from Oak Ridge SSAB (ORSSAB) Chair
- Discussion of Fiscal Year 2017 Work Plan Topics with Comments from DOE, Tennessee Department of Environment and Conservation, and Environmental Protection Agency Liaisons
- Presentation by DOE
- ORSSAB Officer Nominations
- Public Comment Period
- Alternate DDFO Report
- Meeting Summary
- Adjourn

Public Participation: The EM SSAB, Oak Ridge, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Melyssa P. Noe at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to the agenda item should contact Melyssa P. Noe at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Melyssa P. Noe at the address and phone number listed above. Minutes will also be available at the following Web site: *www.energy.gov/orssab.*

Issued at Washington, DC, on July 13, 2016.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2016–16954 Filed 7–18–16; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

National Petroleum Council

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the National Petroleum Council. The Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Friday, July 29, 2016; 9:00 a.m. to 11:30 a.m.

ADDRESSES: St. Regis Hotel, 923 16th and K Streets, NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Nancy Johnson, U.S. Department of Energy, Office of Oil and Natural Gas (FE–30), Washington, DC 20585; telephone (202) 586–5600 or facsimile (202) 586–6221.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas, or the oil and natural gas industries.

Tentative Agenda:

- Call to Order and Introductory Remarks.
- Remarks by the Honorable Ernest Moniz, Secretary of Energy.
- Follow Up on the 2014 NPC Report on Emergency Preparedness for Natural Disasters.
- Remarks by the Honorable Elizabeth Sherwood-Randall, Deputy Secretary of Energy.
- Administrative Matters.
- Discussion of Any Other Business Properly Brought Before the National Petroleum Council.
- Adjournment.

Public Participation: The meeting is open to the public. The Chair of the Council will conduct the meeting to facilitate the orderly conduct of business. Members of the public who wish to make oral statements pertaining to agenda items should contact Ms. Nancy Johnson at the address or telephone number listed above. Request for oral statements must be received at least three days prior to the meeting. Those not able to attend the meeting or having insufficient time to address the Council are invited to send a written statement to *info@npc.org.* Any member of the public who wishes to file a written statement to the Council will be permitted to do so, either before or after the meeting.

Transcripts: Transcripts of the meeting will be available by contacting Ms. Johnson at the address above, or *info@npc.org.*

Issued at Washington, DC, on July 13, 2016.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2016–16953 Filed 7–18–16; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

State Energy Advisory Board (STEAB)

AGENCY: Department of Energy, Office of Energy Efficiency and Renewable Energy.

ACTION: Notice of open teleconference.

SUMMARY: This notice announces a teleconference call of the State Energy Advisory Board (STEAB). The Federal Advisory Committee Act (Public Law 92–463; 86 Stat.770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, August 18, 2016 from 3:30 p.m. to 4:30 p.m. (EDT). To receive the call-in number and passcode, please contact the Board's Designated Federal Officer at the address or phone number listed below.

FOR FURTHER INFORMATION CONTACT: Michael Li, Office of Energy Efficiency and Renewable Energy, US Department of Energy, 1000 Independence Ave SW., Washington, DC 20585. Phone number 202–287–5718, and email *michael.li@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: To make recommendations to the Assistant Secretary for the Office of Energy Efficiency and Renewable Energy regarding goals and objectives, programmatic and administrative policies, and to otherwise carry out the Board's responsibilities as designated in the State Energy Efficiency Programs Improvement Act of 1990 (Pub. L. 101–440).

Tentative Agenda: Receive STEAB Task Force updates on action items and revised objectives for FY 2016, discuss follow-up opportunities and engagement with EERE and other DOE staff as needed to keep Task Force work moving forward, continue engagement with DOE, EERE and EPSA staff regarding energy efficiency and renewable energy projects and initiatives, and receive updates on member activities within their states. Recap June meeting and follow-up on action items from that meeting.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Michael Li at the address or telephone number listed above. Requests to make oral comments must be received five days prior to the meeting; reasonable provision will be made to include requested topic(s) on the agenda. The Chair of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available for public review and copying within 60 days on the STEAB Web site at: ***http://www.energy.gov/eere/steab/state-energy-advisory-board.***

Issued at Washington, DC, on July 13, 2016.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2016–16956 Filed 7–18–16; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Excess Uranium Management: Effects of DOE Transfers of Excess Uranium on Domestic Uranium Mining, Conversion, and Enrichment Industries; Request for Information

AGENCY: Office of Nuclear Energy, Department of Energy.

ACTION: Request for information (RFI).

SUMMARY: The U.S. Department of Energy (DOE) is preparing for a potential new Secretarial Determination covering transfers of uranium for cleanup services at the Portsmouth Gaseous Diffusion Plant and for down-blending of highly-enriched uranium to low-enriched uranium (LEU). This RFI solicits information from the public about the uranium markets and domestic uranium industries, and the potential effects of DOE transfers in the uranium markets and possible consequences for the domestic uranium mining, conversion and enrichment industries. DOE will consider this information as part of its analysis to determine whether its transfers would have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry.

DATES: DOE will accept comments, data, and information responding to this RFI submitted on or before August 18, 2016.

ADDRESSES: Interested persons may submit comments by any of the following methods.

1. *Email: RFI-UraniumTransfers@hq.doe.gov.* Submit electronic comments in Microsoft Word, or PDF file format and avoid the use of special characters or any form of encryption.

2. *Postal Mail:* Ms. Cheryl Moss Herman, U.S. Department of Energy, Office of Nuclear Energy, Mailstop B–409, 19901 Germantown Rd., Germantown, MD 20874–1290. If possible, please submit all items on a compact disk (CD), in which case it is not necessary to include printed copies.

3. *Hand Delivery/Courier:* Ms. Cheryl Moss Herman, U.S. Department of Energy, Office of Nuclear Energy, Mailstop B–409, 19901 Germantown Rd., Germantown, MD 20874–1290. Phone: (301) 903–1788. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

Instructions: All submissions received must include the agency name for this request for information. No facsimiles (faxes) will be accepted.

FOR FURTHER INFORMATION CONTACT: Requests for additional information may be sent to: Ms. Cheryl Moss Herman, U.S. Department of Energy, Office of Nuclear Energy, Mailstop B–409, 19901 Germantown Rd., Germantown, MD 20874–1290. Phone: (301) 903–1788. Email: *Cheryl.Moss_Herman@Nuclear.Energy.Gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Authority and Background
II. Issues on Which DOE Seeks Comment and Information
III. Submission of Comments
IV. Confidential Business Information

I. Authority and Background

Title I, Chapters 6–7, 14, of the Atomic Energy Act of 1954 (42 U.S.C. 2011 *et seq.*, "AEA") authorizes the Department of Energy to transfer special nuclear material and source material. Enriched uranium and natural uranium are types of special nuclear material and source material, respectively. In 1996, Congress enacted the USEC Privatization Act (Public Law 104–134, 42 U.S.C. 2297h *et seq.*), which places certain limitations on DOE's authority to transfer uranium from its excess uranium inventory. Specifically, under section 3112(d)(2)(B) of the USEC Privatization Act (42 U.S.C. 2297h-10(d)(2)(B)), DOE may make certain transfers of natural or low-enriched uranium if the Secretary determines that the transfers "will not have an adverse material impact on the domestic uranium mining, conversion or enrichment industry, taking into account the sales of uranium under the

Russian Highly Enriched Uranium Agreement and the Suspension Agreement.'' Section 306(a) of Division D, Title III of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235), limits the validity of any determination by the Secretary under section 3112(d)(2)(B) of the USEC Privatization Act to no more than two calendar years subsequent to the determination.

In recent years, DOE has transferred uranium for cleanup services at the Portsmouth Gaseous Diffusion Plant and for down-blending of highly-enriched uranium to low-enriched uranium (LEU). In May 2015, the Secretary determined that certain transfers, described in the determination, would not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry (the ''2015 Secretarial Determination'').[1] The 2015 Determination covers transfers to contractors for cleanup services at the Portsmouth Gaseous Diffusion Plant of up to 2,000 metric tons of natural uranium equivalent (MTU) contained in natural uranium hexafluoride in calendar year 2015, as well as transfers of up to 1,600 MTU per calendar year contained in natural uranium hexafluoride in calendar year 2016 and thereafter. The 2015 Secretarial Determination also covers an amount of LEU equivalent to up to 500 MTU of natural uranium per calendar year in calendar year 2015 and thereafter, transferred to contractors for down-blending highly-enriched uranium to LEU.

DOE is preparing for a new Secretarial Determination that would cover further transfers of uranium for cleanup services at the Portsmouth Gaseous Diffusion Plant and for down-blending of highly-enriched uranium to LEU upon expiration of the 2015 Secretarial Determination. DOE is initiating this process by publishing this RFI seeking information on the uranium markets and domestic uranium industries. DOE will evaluate comments received in response to this RFI, along with other information and analysis, to determine whether its future transfers would have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry.

II. Issues on Which DOE Seeks Comment and Information

This RFI seeks information from interested parties on the uranium markets and domestic uranium industries, and the potential effects of DOE's transfers on the uranium markets and possible consequences for domestic uranium industries. DOE will use that information to help analyze and determine whether its transfers would have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry. For all comments, DOE requests that interested parties fully explain any assumptions that underlie their reasoning. DOE also requests that commenters provide underlying data or other information sufficient to allow DOE to review and verify any of the assumptions, calculations or views expressed by the commenters.

DOE specifically invites public comment on the following questions:

(1) What are current and projected conditions in the uranium markets, and the domestic uranium mining, conversion and enrichment industries?

(2) What market effects and industry consequences could DOE expect from continued transfers at annual rates comparable to the transfers described in the 2015 Secretarial Determination?

(3) Would transfers at a lower annual rate or a higher annual rate significantly change these effects, and if so, how?

(4) Are there any anticipated changes in these markets that may significantly change how DOE transfers affect the domestic uranium industries?

Although comment is particularly welcome on the issues discussed above, DOE also requests comments on other topics that commenters consider significant in preparing for a potential new Secretarial Determination.

III. Submission of Comments

DOE invites all interested parties to submit, in writing by August 18, 2016, comments and information on matters addressed in this RFI. Any information that may be confidential and exempt by law from public disclosure should be submitted as described in section IV. Confidential Business Information. After the close of the comment period, DOE will continue collecting data, conducting analyses, and reviewing the public comments, as needed.

IV. Confidential Business Information

Pursuant to 10 CFR 1004.11, any person submitting information he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: One copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. Submit these documents via email. DOE will make its own determination about the confidential status of the information and treat it according to its determination. Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

Issued in Washington, DC, on July 12, 2016.

Raymond Furstenau,

Associate Principal Deputy Assistant Secretary, Office of Nuclear Energy.

[FR Doc. 2016–17024 Filed 7–18–16; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[FE Docket No. 15–190–LNG]

Rio Grande LNG, LLC; Application for Long-Term, Multi-Contract Authorization To Export Liquefied Natural Gas to Non-Free Trade Agreement Nations

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application, filed on December 23, 2015, amended on June 7, 2016 (Application), by Rio Grande LNG, LLC (Rio Grande LNG). Rio Grande LNG requests long-term, multi-contract authorization to export domestically produced liquefied natural gas (LNG) in a volume equivalent to approximately 1,318 billion cubic feet (Bcf) per year of natural gas (3.61 Bcf per day). Rio Grande LNG seeks to export the LNG by vessel from its proposed natural gas liquefaction and LNG export terminal to be located in Cameron County, Texas, along the north embankment of the Brownsville Ship Channel (Rio Grande LNG Project). Rio Grande LNG requests authorization to export this LNG to any country with

---

[1] Excess Uranium Management: Secretarial Determination of No Adverse Impact on the Domestic Uranium Mining, Conversion, and Enrichment Industries, 80 FR 26366 (May 7, 2015).

which the United States does not have a free trade agreement (FTA) requiring national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy (non-FTA countries).[1] Rio Grande LNG seeks authorization to export this LNG for (a) a single 20-year primary term applicable to the entire Rio Grande LNG Project consisting of six (6) liquefaction trains commencing on the earlier of (i) the date of first export from the first of the Rio Grande LNG Project's trains to be commissioned, or (ii) seven (7) years from the date of the DOE/FE order authorizing such exports, coupled with (b) a five (5) year Make-Up Period at the conclusion of the 20-year primary term.[2] Rio Grande LNG seeks to export this LNG on its own behalf and as agent for other entities who hold title to the LNG at the time of export. The Application was filed under section 3 of the Natural Gas Act (NGA). Additional details can be found in Rio Grande LNG's Application, posted on the DOE/FE Web site at: *https://cms.doe.gov/sites/prod/files/2016/07/f33/Rio_Grande15_190–LNG_App.pdf* and in the amendment to the Application, posted on the DOE/FE Web site at: *https://cms.doe.gov/sites/prod/files/2016/07/f33/RGLNG_Amend06_07_16.pdf.* Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed using procedures detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, September 19, 2016.

ADDRESSES: *Electronic Filing by email: fergas@hq.doe.gov.*

Regular Mail: U.S. Department of Energy (FE–34), Office of Regulation and International Engagement, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026–4375.

Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE–34), Office of Regulation and International Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Beverly Howard, or Larine Moore, U.S. Department of Energy (FE–34), Office of Regulation and International Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9387; (202) 586–9578.

Edward Myers, U.S. Department of Energy (GC–76), Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9793.

SUPPLEMENTARY INFORMATION:

DOE/FE Evaluation

The Application will be reviewed pursuant to section 3(a) of the NGA, 15 U.S.C. 717b(a), and DOE will consider any issues required by law or policy. To the extent determined to be relevant, these issues will include the domestic need for the natural gas proposed to be exported, the adequacy of domestic natural gas supply, and U.S. energy security. DOE may also consider other factors bearing on the public interest, including the impact of the proposed exports on the U.S. economy, international considerations, and whether the authorization is consistent with DOE's policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. As part of this analysis, DOE will consider the following two studies examining the cumulative impacts of exporting domestically produced LNG:

- *Effect of Increased Levels of Liquefied Natural Gas on U.S. Energy Markets,* conducted by the U.S. Energy Information Administration upon DOE's request (2014 EIA LNG Export Study);[3] and
- *The Macroeconomic Impact of Increasing U.S. LNG Exports,* conducted jointly by the Center for Energy Studies at Rice University's Baker Institute for Public Policy and Oxford Economics, on behalf of DOE (2015 LNG Export Study).[4]

Additionally, DOE will consider the following environmental documents:

- *Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States,* 79 FR 48132 (Aug. 15, 2014);[5] and
- *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States,* 79 FR 32260 (June 4, 2014).[6]

Parties that may oppose this Application should address these issues in their comments and/or protests, as well as other issues deemed relevant to the Application.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its environmental responsibilities.

Public Comment Procedures

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable. Due to the complexity of the issues raised by the Applicant, interested persons will be provided 60 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, or notices of intervention.

Any person wishing to become a party to the proceeding must file a motion to intervene or notice of intervention. The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by the regulations in 10 CFR part 590.

Filings may be submitted using one of the following methods: (1) Emailing the filing to *fergas@hq.doe.gov,* with FE Docket No. 15–190–LNG in the title line; (2) mailing an original and three paper copies of the filing to the Office of Regulation and International Engagement at the address listed in **ADDRESSES**; or (3) hand delivering an original and three paper copies of the filing to the Office of Regulation and International Engagement at the address listed in **ADDRESSES**. All filings must include a reference to FE Docket No. 15–190–LNG. **Please Note:** If submitting a filing via email, please include all related documents and attachments (*e.g.,* exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

---

[1] In the Application, Rio Grande LNG also requests authorization to export the same volume of LNG to any nation that currently has, or in the future may enter into, a FTA requiring national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy (FTA countries). DOE/FE will review that request separately pursuant to section 3(c) of the Natural Gas Act, 15 U.S.C. § 717b(c).

[2] Rio Grande's proposed request is uniquely structured due to the scope of the Rio Grande LNG Project. The Rio Grande Project will be the largest LNG export project in the U.S. to be developed in a single phase.

[3] The 2014 EIA LNG Export Study, published on Oct. 29, 2014, is available at: *https://www.eia.gov/analysis/requests/fe/.*

[4] The 2015 LNG Export Study, dated Oct. 29, 2015, is available at: *http://energy.gov/sites/prod/files/2015/12/f27/20151113_macro_impact_of_lng_exports_0.pdf.*

[5] The Addendum and related documents are available at *http://energy.gov/fe/addendum-environmental-review-documents-concerning-exports-natural-gas-united-states.*

[6] The Life Cycle Greenhouse Gas Report is available at: *http://energy.gov/fe/life-cycle-greenhouse-gas-perspective-exporting-liquefied-natural-gas-united-states.*

A decisional record on the Application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

The Application is available for inspection and copying in the Office of Regulation and International Engagement docket room, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The Application and any filed protests, motions to intervene or notice of interventions, and comments will also be available electronically by going to the following DOE/FE Web address: *http://www.fe.doe.gov/programs/gasregulation/index.html.*

Issued in Washington, DC, on July 13, 2016.

John A. Anderson,

Director, Office of Regulation and International Engagement, Office of Oil and Natural Gas.

[FR Doc. 2016–17025 Filed 7–18–16; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 8221–094]

Alaska Energy Authority; Notice of Availability of Final Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission or FERC's) regulations, 18 Code of Federal Regulations (CFR) Part 380 (Order No. 486, 52 Federal Register [FR] 47897), the Office of Energy Projects has reviewed Alaska Energy Authority's application for a non-capacity amendment to the license for the Bradley Lake Hydroelectric Project (FERC Project No. 8221), located on the south shore and near the head of Kachemak Bay, 22.5 miles east, northeast of the city of Homer, Kenai Peninsula Borough, Alaska. The project currently occupies a total of 5,498 acres of federal land administered by the Bureau of Land Management.

Staff prepared a final environmental assessment (EA), which analyzes the potential environmental effects of constructing and operating a new diversion on the West Fork of Upper Battle Creek that would divert water to Bradley Lake and thereby increase generation at the project. The final EA concludes that authorizing the amendment, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the final EA is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, 202–502–8659.

You may also register online at *www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

For further information, contact Steven Sachs by telephone at 202–502–8666 or by email at *Steven.Sachs@ferc.gov.*

Dated: July 13, 2016.

Kimberly D. Bose,

Secretary.

[FR Doc. 2016–17010 Filed 7–18–16; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting Notice

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: July 21, 2016 10:00 a.m.

PLACE: Room 2C, 888 First Street NE., Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

* NOTE—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kimberly D. Bose, Secretary, Telephone (202) 502–8400.

For a recorded message listing items struck from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed on line at the Commission's Web site at *http://www.ferc.gov* using the eLibrary link, or may be examined in the Commission's Public Reference Room.

1029TH—MEETING, REGULAR MEETING

[July 21, 2016, 10:00 a.m.]

Item No	Docket No.	Company
	ADMINISTRATIVE	
A–1	AD16–1–000	Agency Administrative Matters.
A–2	AD16–7–000	Customer Matters, Reliability, Security and Market Operations.

1029TH—MEETING, REGULAR MEETING—Continued

[July 21, 2016, 10:00 a.m.]

Item No	Docket No.	Company
A–3	AD16–22–000	Briefing on Revised Memorandum of Understanding Between FERC and the U.S. Army Corps for Non-Federal Hydropower Development at the Corps' Facilities.
	ELECTRIC	
E–1	ER12–959–007	Southwest Power Pool, Inc.
E–2	ER16–791–000	Southwest Power Pool, Inc.
E–3	EL16–91–000	Southwest Power Pool, Inc.
E–4	EL14–12–001	Association of Businesses Advocating Tariff Equity, Coalition of MISO Transmission Customers, Illinois Industrial Energy Consumers, Indiana Industrial Energy Consumers, Inc., Minnesota Large Industrial Group, Wisconsin Industrial Energy Group v., Midcontinent Independent System Operator, Inc., ALLETE, Inc., Ameren Illinois Company, Ameren Missouri, Ameren Transmission Company of Illinois, American Transmission Company LLC, Cleco Power LLC, Duke Energy Business Services, LLC, Entergy Arkansas, Inc., Entergy Gulf States Louisiana, LLC, Entergy Louisiana, LLC, Entergy Mississippi, Inc., Entergy New Orleans, Inc., Entergy Texas, Inc., Indianapolis Power & Light Company, International Transmission Company, ITC Midwest LLC, Michigan Electric Transmission Company, LLC, MidAmerican Energy Company, Montana-Dakota Utilities Co., Northern Indiana Public Service Company, Northern States Power Company-Minnesota, Northern States Power Company-Wisconsin, Otter Tail Power Company, Southern Indiana Gas & Electric Company.
E–5	EL15–45–001,	Arkansas Electric Cooperative Corporation, Mississippi Delta Energy Agency, Clarksdale Public Utilities Commission, Public Service Commission of Yazoo City, Hoosier Energy Rural Electric Cooperative, Inc. v., ALLETE, Inc., Ameren Illinois Company, Ameren Missouri, Ameren Transmission Company of Illinois, American Transmission Company LLC, Cleco Power LLC, Duke Energy Business Services, LLC, Entergy Arkansas, Inc., Entergy Gulf States Louisiana, LLC, Entergy Louisiana, LLC, Entergy Mississippi, Inc., Entergy New Orleans, Inc., Entergy Texas, Inc., Indianapolis Power & Light Company, International Transmission Company, ITC Midwest LLC, Michigan Electric Transmission Company, LLC, MidAmerican Energy Company, Montana-Dakota Utilities Co., Northern Indiana Public Service Company, Northern States Power Company-Minnesota, Northern States Power Company-Wisconsin, Otter Tail Power Company, Southern Indiana Gas & Electric Company.
	EL16–99–000	Midcontinent Independent System Operator, Inc.
E–6	Omitted.	
E–7	RM16–17–000	Data Collection for Analytics and Surveillance and Market-Based Rate Purposes.
E–8	RM15–14–002	Revised Critical Infrastructure Protection Reliability Standards.
E–9	RM15–14–001	Revised Critical Infrastructure Protection Reliability Standards.
E–10	RM16–18–000	Cyber Systems in Control Centers.
E–11	RM16–8–000	Requirements for Frequency and Voltage Ride Through Capability of Small Generating Facilities.
E–12	RM05–5–025	Standards for Business Practices and Communication Protocols for Public Utilities.
E–13	RM15–23–000	Collection of Connected Entity Data from Regional Transmission Organizations and Independent System Operators.
E–14	RM16–3–000	Ownership Information in Market-Based Rate Filings.
E–15	ER16–1774–000	Southwest Power Pool, Inc.
E–16	ER16–13–002	Southwest Power Pool, Inc.
E–17	ER12–678–006	Midwest Independent Transmission System Operator, Inc.
E–18	ER12–678–004 EL14–58–001	Midwest Independent Transmission System Operator, Inc.
E–19	Omitted.	

1029TH—MEETING, REGULAR MEETING—Continued

[July 21, 2016, 10:00 a.m.]

Item No	Docket No.	Company
E–20	EL16–69–000, QF16–362–001, QF16–363–001, QF16–364–001, QF16–365–001, QF16–366–001, QF16–367–001, QF16–368–001, QF16–369–001, QF16–370–001, QF16–371–001, QF16–372–001, QF16–373–001, QF16–374–001, QF16–375–001, QF16–376–001, QF16–377–001, QF16–378–001, QF16–379–001, QF16–380–001, QF16–381–001, QF16–382–001, QF16–383–001, QF16–384–001, QF16–385–001, QF16–386–001, QF16–387–001.	Windham Solar LLC and Allco Finance Limited.
E–21	Omitted.	
E–22	Omitted..	
E–23	QM16–1–000	Nebraska Public Power District.
	HYDRO	
H–1	P–13458–003	BOST1 Hydroelectric LLC.
	CERTIFICATES	
C–1	CP15–498–000	Eastern Shore Natural Gas Company.
C–2	CP15–18–000 CP15–18–001	Eastern Shore Natural Gas Company.

Dated: July 14, 2016.

Kimberly D. Bose,

Secretary.

A free webcast of this event is available through *www.ferc.gov.* Anyone with Internet access who desires to view this event can do so by navigating to *www.ferc.gov's* Calendar of Events and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the free webcasts. It also offers access to this event via television in the DC area and via phone bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or contact Danelle Springer or David Reininger at 703–993–3100.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters, but will not be telecast through the Capitol Connection service.

[FR Doc. 2016–17121 Filed 7–15–16; 4:15 pm]

BILLING CODE 6717–01–P

FEDERAL COMMUNICATIONS COMMISSION

Privacy Act System of Records

AGENCY: Federal Communications Commission (FCC or Commission or Agency)

ACTION: Notice of a new system of records.

SUMMARY: The FCC proposes to add a new system of records, FCC/CGB–5, CGB Stakeholder Database, to its inventory of records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and character of records maintained by the agency (5 U.S.C. 552a(e)(4)). The FCC's Consumer and Governmental Affairs Bureau (CGB or Bureau) will use FCC/CGB–5 to cover the personally identifiable information (PII) contained in a database of its stakeholders to provide information concerning its public events as well as recent developments at the FCC as part of its outreach activities.

DATES: Written comments are due on or before August 18, 2016. This action will become effective on August 29, 2016 unless comments are received that require a contrary determination.

ADDRESSES: Send comments to Leslie F. Smith, Privacy Manager, Information Technology (IT), Room 1–C216, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, or via the Internet at *Leslie.Smith@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Leslie F. Smith, (202) 418–0217, or *Leslie.Smith@fcc.gov.*

SUPPLEMENTARY INFORMATION: The CGB Stakeholder Database allows CGB to fulfill its outreach responsibilities as set forth in 47 CFR 0.141. The database contains contact information for individuals who interact with the Bureau through electronic or in-person contact with the Bureau.

FCC/CGB–5

SYSTEM NAME:

CGB Stakeholder Database.

SECURITY CLASSIFICATION:

The FCC's CIO will develop a security classification to this system of records based on NIST FIPS–199 standards.

SYSTEM LOCATION:

Consumer and Governmental Affairs Bureau (CGB), Federal Communications Commission (FCC), 445 12th Street SW., Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the general public; representatives of federal, state, local and tribal governments; and representatives of public and private companies, trade groups, and interest groups.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records in this information system include the contact information that individuals have provided in their interactions with the Bureau, including: Personal contact information (including but not limited to, name, personal cell phone number, business cell phone number, home telephone number, business telephone number, personal and professional email address, personal and professional facsimile number, business and home mailing address, and social media contact information) and job-related data (including but not limited to organizational affiliation and title).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C. 151, 152, 155, 303; 47 CFR 0.141.

PURPOSE(S):

These records enable CGB personnel to contact interested parties concerning its public events, *e.g.*, workshops, conferences, and Webinars, etc., as well as recent developments at the FCC, and to share contact information of governmental, law enforcement, industry, advocacy groups, employment centers, faith-based organizations, libraries, policy organizations, media outlets, schools, seniors centers, veterans groups, national governmental associations or tribal intergovernmental organizations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside the FCC as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows. In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose(s) for which the records were collected.

1. Congressional Inquiries—To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

2. Contact Information Sharing—to share contact information for federal, state, local, or tribal governments; law enforcement; industry; advocacy groups; non-profit organizations; employment centers; faith-based organizations; libraries; policy organizations; media outlets; schools; seniors centers; veterans groups; national governmental associations; or tribal intergovernmental organizations with these entities, or members of the public, as part of CGB's outreach activities, but in no case will individual members of the public's contact information be provided to these entities without consent.

3. Government-wide Program Management and Oversight—To the National Archives and Records Administration for use in its records management inspections; to the Government Accountability Office (GAO) for oversight purposes; to the Department of Justice (DOJ) to obtain that department's advice regarding disclosure obligations under the Freedom of Information Act (FOIA); or to the Office of Management and Budget to obtain that office's advice regarding obligations under the Privacy Act.

4. Adjudication and Litigation—To the Department of Justice (DOJ), or other administrative body before which the FCC is authorized to appear, when: (a) The FCC or any component thereof; (b) any employee of the FCC in his or her official capacity; (c) any employee of the FCC in his or her individual capacity where DOJ or the FCC has agreed to represent the employee; or (d) the United States is a party to litigation or has an interest in such litigation, and the use of such records by DOJ or the FCC is deemed by the FCC to be relevant and necessary to the litigation.

5. Law Enforcement and Investigation—To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the FCC becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; and

6. Breach Notification—To appropriate agencies, entities, and persons when (1) the Commission suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) the Commission has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Commission or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The information in this system includes electronic data entered into the CGB Stakeholder Database that is maintained in the FCC's computer network.

RETRIEVABILITY:

Information in the CGB Stakeholder Database can be retrieved from the database by any element of an individual's contact information.

SAFEGUARDS:

The electronic records are maintained in a database housed in the FCC computer network databases. The FCC's computer network is protected by the FCC's IT privacy safeguards, a comprehensive and dynamic set of IT safety and security protocols and features that are designed to meet all Federal IT privacy standards, including those required by the National Institute of Standard and Technology (NIST) and the Federal Information Security Management Act (FISMA). In addition, access to the information in the database is restricted to authorized CGB supervisors and staff and to authorized FCC Information Technology (IT) staff who maintain these computer databases. Other FCC employees and contractors may be granted access only on a "need-to-know" basis.

Physical documents containing information to be added into the CGB Stakeholders Database, such as business cards and sign-in sheets, are disposed of once the information is incorporated into the CGB Stakeholder Database and the physical records are no longer need for another business purpose. Before destruction of physical records, they are stored in CGB staff offices which are locked at the end of the business day.

RETENTION AND DISPOSAL:

The CGB Stakeholder Database will be retained by the FCC until a records schedule has been approved by NARA. Upon approval of a records schedule by NARA, the CGB Stakeholder Database will be retained and disposed of pursuant to that records schedule.

SYSTEMS MANAGER(S) AND ADDRESS: CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU (CGB), FEDERAL COMMUNICATIONS COMMISSION (FCC), 445 12TH STREET SW WASHINGTON, DC 20554.

NOTIFICATION PROCEDURE:

Individuals wishing to determine whether this system of records contains information about them may do so by writing to Leslie F. Smith, Privacy Manager, Information Technology (IT), Federal Communications Commission (FCC), 445 12th Street SW., Washington, DC 20554, or email *Leslie.Smith@fcc.gov.* Individuals must furnish reasonable identification by showing any two of the following: Social security card; driver's license; employee identification card; Medicare card; birth certificate; bank credit card; or other positive means of identification, or by signing an identity statement stipulating that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to $5,000.

Individuals requesting access must also comply with the FCC's Privacy Act regulations regarding verification of identity and access to records (5 CFR part 0, subpart E).

RECORD ACCESS PROCEDURES: INDIVIDUALS WISHING TO REQUEST AN AMENDMENT OF RECORDS ABOUT THEM SHOULD FOLLOW THE NOTIFICATION PROCEDURE ABOVE.

CONTESTING RECORD PROCEDURES: INDIVIDUALS WISHING TO CONTEST INFORMATION PERTAINING TO HIM OR HER IN THE SYSTEM OF RECORDS SHOULD FOLLOW THE NOTIFICATION PROCEDURE ABOVE.

RECORD SOURCE CATEGORIES:

The sources for information in the CGB Stakeholder Database include but are not limited to information provided by members of the general public, representatives of federal, state, local and tribal governments, representatives of public and private interest groups who:

1. Contact the Bureau through phone, letter, email, or social media communications;
2. Attend Bureau-hosted events and leave their information on a paper or electronic sign-in sheet;
3. Register for Bureau-hosted events through temporary "@fcc.gov" email addresses;
4. Voluntarily subscribe to *AccessInfo@fcc.gov* to receive update on the Bureau's work on accessibility issues;
5. Are organizations whose publicly available information is used by the Bureau to initiate contact;
6. Attend non-FCC events and provide information to Bureau staff in attendance;
7. Electronically confirm attendance at Webinars or in-person meetings; and/or
8. Provide paper business cards to CGB staff.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Federal Communcations Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2016–16965 Filed 7–18–16; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than August 3, 2016.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street, NE., Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *Patrick Anderson, Wasden, Senoia, Georgia, and Jaynie Loftin Nesmith, Manchester, Georgia;* to retain shares of F&M Holding Company, Inc., and its subsidiary, F&M Bank and Trust Company, both of Manchester, Georgia.

2. *Lynley Loftin Hipps,* Columbus, Georgia; to acquire voting shares of F& M Holding Company, and thereby acquire shares of F&M Bank and Trust Company, both of Manchester, Georgia.

Board of Governors of the Federal Reserve System, July 13, 2016.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2016–16936 Filed 7–18–16; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than August 4, 2016.

A. Federal Reserve Bank of St. Louis (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *Mary W. Harsh, Magnolia, Arkansas, individually and as trustee of the Mary W. Harsh Revocable Trust; Nina Marie Harsh Burns, Magnolia, Arkansas, individually and as trustee of the Molly Burns Nonexempt Trust, the Nina Marie (Molly) Harsh Burns Revocable Trust, the Mary W. Harsh 2005 Family Trust, the Mary W. Harsh 2002 Family Trust, the Robert Samuel Burns Exempt Trust, the Rebecca M. Burns Gosnell Exempt Trust, and the Mary Elizabeth Burns Anderson Exempt Trust; Amy H. Sixbey, Roland, Arkansas, individually and as trustee of the Amy Sixbey Nonexempt Trust, the Mary W. Harsh 2005 Family Trust, the Mary W. Harsh 2002 Family Trust, the Mary Elizabeth Sixbey Exempt Trust, and the Annie Alexander Sixbey Exempt Trust; Roxana Whitner, Hot Springs Village, Arkansas, as trustee of the Roxana Harsh Whitner Revocable Trust, the Roxana Whitner Nonexempt Trust, the Mary W. Harsh 2005 Family Trust, the Mary W. Harsh 2002 Family Trust, John Douglas Whittemore Exempt Trust, the Jessica Grayson Luther Exempt Trust, the Julia Roxana Kirk Exempt Trust, the Mary Jane Platt Exempt Trust, the Jessica Grayson Luther Revocable Trust, and the John Douglas Whittemore Revocable Trust; Robert L. Burns, Magnolia, Arkansas, individually and as trustee of the Robert L. Burns Revocable Trust; Pat Sixbey, Roland, Arkansas, individually and as trustee of the Mary Elizabeth Sixbey Trust, the Annie Alexander Sixbey Trust, and the Amy Harsh Sixbey 2009 Irrevocable Trust; Robert S. Burns, Magnolia, Arkansas, as trustee of the Robert Samuel Burns Revocable Trust, and the Bob and Molly Burns Family Irrevocable Trust; Mary Elizabeth Burns, trustee of the Mary Elizabeth Burns Revocable Trust and the Bob and Molly Burns Family Irrevocable Trust; and Rebecca M. Burns, trustee of the Rebecca M. Burns Revocable Trust, and the Bob and Molly Burns Family Irrevocable Trust,* to collectively acquire an additional 0.72 percent of the shares and thereby retain control of more than 25 percent of Magnolia Banking Corporation, Magnolia, Arkansas, and thereby acquire Farmers Bank and Trust Company, Magnolia, Arkansas.

Board of Governors of the Federal Reserve System, July 14, 2016.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2016–17022 Filed 7–18–16; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act; Notice of FRTIB Board Member Meeting

TIME AND DATE: 8:30 a.m. (Eastern Time) July 25, 2016.

PLACE: 10th Floor Board Meeting Room, 77 K Street NE., Washington, DC 20002.

STATUS: Parts will be open to the public and parts will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the Public

1. Approval of the Minutes of the June 27, 2016 Board Member Meeting
2. Monthly Reports
   (a) Participant Activity Report
   (b) Legislative Report
3. Quarterly Reports
   (c) Investment Policy Report
   (d) Budget Review
4. Target Architecture Plan
5. 2017–2021 Strategic Plan—Office of Enterprise Planning
6. Internal Audit Report
7. Review of EBSA Audits
8. Department of Labor Presentation

Closed to the Public

Information covered under 5 U.S.C. 552b(c)(9)(B) and (c)(10).

FOR FURTHER INFORMATION CONTACT: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

Dated: July 14, 2016.

Megan G. Grumbine,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2016–17141 Filed 7–15–16; 4:15 pm]

BILLING CODE 6760–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10295, CMS–838, CMS–10157, CMS–10309, and CMS–R–199]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by August 18, 2016.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 *OR,* Email: *OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Reporting Requirements for States Under Transitional Medical Assistance (TMA) Provisions; *Use:* The HHS Secretary is required to submit annual reports to Congress with information collected from states in accordance with section 5004(d) of the American Recovery and Reinvestment Act of 2009. Medicaid agencies in 50 states complete the reports while we review the information to determine if each state has met all of the reporting requirements specified under section 5004(d). *Form Number:* CMS–10295 (OMB control number: 0938–1073). *Frequency:* Quarterly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 50; *Total Annual Responses:* 200; *Total Annual Hours:* 400. (For policy questions regarding this collection contact Martin Burian at 410–786–3246.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare Credit Balance Reporting Requirements; *Use:* Quarterly credit balance reporting is needed to monitor and control the identification and timely collection of improper payments. Credit balances are mainly attributable to provider billing practices and cannot be eliminated by program functions; they will continue to occur. The OIG issued a Management Advisory Report (MAR) on their extended review of credit balances (See Attachment). They state that approximately 90 percent of credit balances result from providers: (1) Billing Medicare and a private insurer for the same service, (2) submitting duplicate billings for services in a manner which cannot be detected by system edits, and (3) billing for services not performed. The MAR recommends

that CMS continue its plan of recovery by requiring hospitals to report Medicare credit balances to contractors on a quarterly basis. *Form Number:* CMS–838 (OMB control number: 0938–0600); *Frequency:* Quarterly; *Affected Public:* Private sector (Business or other For-profits); *Number of Respondents:* 52,582; *Total Annual Responses:* 210,328; *Total Annual Hours:* 630,984. (For policy questions regarding this collection contact Anita Crosier at 410–786–0217).

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* HIPPA Eligibility Tracking System; *Use:* Federal law requires that CMS take precautions to minimize the security risk to the federal information system. Federal Information Processing Standards Publication (FIPS PUB) 1( ) 1–2 Paragraph 11.7—Security and Authentication states that: "Agencies shall employ risk management techniques to determine the appropriate mix of security controls needed to protect specific data and systems. The selection of controls shall take into account procedures required under applicable laws and regulations." Accordingly, CMS requires that entities who wish to connect to the HETS application via the CMS Extranet and/or Internet are uniquely identified. CMS is required to verify the identity of the person requesting the Protected Health Information (PHI) and the person's authority to have access to Medicare eligibility information. Furthermore, CMS requires that trading partners who wish to conduct eligibility transactions on a real-time basis with CMS provide certain assurances as a condition of receiving access to the Medicare eligibility information for the purpose of conducting real-time 270/271 inquiry/response transactions. *Form Number:* CMS–10157 (OMB control number: 0938–0960); *Frequency:* Quarterly; *Affected Public:* Private sector (Business or other For-profits and Not-For-Profits); *Number of Respondents:* 2,000; *Total Annual Responses:* 2,000; *Total Annual Hours:* 250. (For policy questions regarding this collection contact Rupinder Singh at 410–786–7484).

4. *Type of Information Collection Request:* Extension of a currently approved collection; *Title* of Information Collection: Grandfathering Provisions of the Medicare DMEPOS Competitive Bidding Program; *Use:* The grandfathering process was established in the April 10, 2007 final rule for competitive bidding for rented DME and oxygen and oxygen equipment included under the Medicare DMEPOS Competitive Bidding Program. This process only applies to suppliers that rented DME and oxygen and oxygen equipment to beneficiaries who maintain a permanent residence in a CBA before the implementation of the competitive bidding program. The competitive bidding program will require some beneficiaries to change their suppliers. In order to avoid a beneficiary being without medically necessary equipment we felt it necessary to establish this notification process. *Form Number:* CMS–10309 (OMB control number: 0938–1079); *Frequency:* Occasionally; *Affected Public:* Private Sector (Business or other for-profit and Not-for-profit institutions); *Number of Respondents:* 1,125; *Total Annual Responses:* 39,998; *Total Annual Hours:* 4,535. (For policy questions regarding this collection contact Djanira Rivera at 410–786–8646).

5. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicaid Report on Payables and Receivables; *Use:* The Government Management and Reform Act of 1994 requires that all offices, bureaus and associated activities of the 24 CFO Act agencies must be covered in an agency-wide, audited financial statement. Collection of Medicaid data and the calculation of the Medicaid Incurred But Not Reported (IBNR) estimate are pertinent to CMS' financial audit. The Medicaid Report on Payables and Receivables will provide the information needed to calculate the Medicaid IBNR. Failure to collect this information could result in non-compliance with the law. *Form Number:* CMS–R–199 (OMB Control Number: 0938–0697); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 56; *Total Annual Hours:* 392. (For policy questions regarding this collection contact Beverly Boher at 410–786–7806.)

Dated: July 14, 2016.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2016–17059 Filed 7–18–16; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–R–64]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by September 19, 2016.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*
2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*
3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–R–64 Indirect Medical Education and Supporting Regulations

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Indirect Medical Education and Supporting Regulations; *Use:* Section 1886(d)(5)(B) of the Social Security Act requires additional payments to be made under the Medicare Prospective Payment System (PPS) for the indirect medical educational costs a hospital incurs in connection with interns and residents (IRs) in approved teaching programs. In addition, Title 42, Part 413, sections 75 through 83 implement section 1886(d) of the Act by establishing the methodology for Medicare payment of the cost of direct graduate medical educational activities. These payments, which are adjustments (add-ons) to other payments made to a hospital under PPS, are largely determined by the number of full-time equivalent (FTE) IRs that work at a hospital during its cost reporting period. In Federal fiscal year (FY) 2015, the estimated Medicare program payments for indirect medical education (IME) costs amounted to $8.38 billion. Medicare program payments for direct graduate medical education (GME) are also based upon the number of FTE–IRs that work at a hospital. In FY 2015, the estimated Medicare program payments for GME costs amounted to $3.1 billion. *Form Number:* CMS–R–64 (OMB control number: 0938–0456); *Frequency:* Yearly; *Affected Public:* Private sector (Business or other For-profits); *Number of Respondents:* 1,245; *Total Annual Responses:* 1,245; *Total Annual Hours:* 2,490. (For policy questions regarding this collection contact Milton Jacobson at 410–786–7553.)

Dated: July 14, 2016.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2016–17070 Filed 7–18–16; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities: Submission for OMB Review; Comment Request; OAA Title III–C Evaluation

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written or electronic comments on the collection of information by September 19, 2016.

ADDRESSES: Submit written comments on the collection of information to Susan Jenkins at *Susan.Jenkins@ACL.HHS.Gov.*

FOR FURTHER INFORMATION CONTACT: Susan Jenkins, 202.795.7369

SUPPLEMENTARY INFORMATION: In compliance with PRA (44 U.S.C. 3501–3520), the Administration for Community Living (ACL, formerly the Administration for Aging) has submitted the following proposed collection of information to the Office of Management and Budget (OMB) for review and clearance. The Administration for Community Living/Administration on Aging (ACL/AoA) is requesting approval from the Office of Management and Budget (OMB) to complete data collection associated with the *Outcome Evaluation of the Title III–C Nutrition Services Program.* ACL is requesting to renew an existing clearance to complete 12 month follow up data collection that was initially approved under OMB Control Number: 0985–0037. The Title III–C Elderly Nutrition Services Program (ENSP) represents a key component of America's strategy for ensuring that the needs of elderly people are adequately met. The overall evaluation of the Title III–C Program has three broad objectives: (1) To provide information to support program planning, including an analysis of program processes (process evaluation), (2) to develop information about program efficiency and cost issues (cost study), and (3) to assess program effectiveness, as measured by the program's effects on a variety of important outcomes, including nutrient adequacy, socialization opportunities, health outcomes, and, ultimately, helping elderly people avoid institutionalization (outcome evaluation). The renewal is to complete the data collection related to objective 3.

The total burden estimate for the remaining data collection is: 144 hours. The proposed data collection tools may be found on the ACL Web site at: *http://www.aoa.acl.gov/Program_Results/Program_survey.aspx.*

Dated: July 12, 2016.

Kathy Greenlee,

Administrator and Assistant Secretary for Aging.

[FR Doc. 2016–16976 Filed 7–18–16; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Administration on Disabilities, President's Committee for People With Intellectual Disabilities

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The President's Committee for People with Intellectual Disabilities (PCPID) will host a webinar/conference call for its members to discuss the potential topics of the Committee's 2017 Report to the President. All the PCPID meetings, in any format, are open to the public. This virtual meeting will be conducted in a discussion format.

DATES: *Webinar:* Monday, August 22, 2016 from 1:30 p.m. to 3:00 p.m. (EST).

ADDRESSES: *Webinar Web page: https://meetingserver.hhs.gov/orion/joinmeeting.do?ED=QtF0ep1Kkddkw3ioj3RkaQ==*

FOR FURTHER INFORMATION AND REASONABLE ACCOMMODATIONS NEEDS CONTACT: Dr. MJ Karimi, PCPID Team Lead, 330 C Street SW., 1108A, Washington, DC 20201. Email: *MJ.Karimie@acl.hhs.gov;* telephone: 202–79–7374; fax: 202–205–0402.

SUPPLEMENTARY INFORMATION: The Committee held a conference call on May 2, 2016 to discuss and finalize the Committee's 2016 Report to the President. The purpose of this virtual meeting is to provide PCPID members with an update on submission of the 2016 Report to the President and to begin exploring the topics for the Committee's 2017 report.

Webinar/Conference Call: The webinar is scheduled for August 22, 2016, 1:30 p.m. to 3:00 p.m. (EST) and may end early if discussions are finished.

Instructions to Participate in the Webinar/Conference Call on Monday, August 22, 2016:

1. Enter the following WebEx Link: *https://meetingserver.hhs.gov/orion/joinmeeting.do?ED=QtF0ep1Kkddkw3ioj3RkaQ==*
2. Click on the "join" button on the page
3. Enter your name and email address
4. Follow additional instructions as provided by WebEx. This WebEx does not require a password.
5. Please dial: (888) 469–0940; Pass Code: 5315454 (you should put your phone on mute during the meeting)

Background Information on the Committee: The PCPID acts in an advisory capacity to the President and the Secretary of Health and Human Services on a broad range of topics relating to programs, services and support for individuals with intellectual disabilities. The PCPID Executive Order stipulates that the Committee shall: (1) provide such advice concerning intellectual disabilities as the President or the Secretary of Health and Human Services may request; and (2) provide advice to the President concerning the following for people with intellectual disabilities: (A) expansion of educational opportunities; (B) promotion of homeownership; (C) assurance of workplace integration; (D) improvement of transportation options; (E) expansion of full access to community living; and (F) increasing access to assistive and universally designed technologies.

Dated: July 6, 2016.

Aaron Bishop,

Commissioner, Administration on Disabilities.

[FR Doc. 2016–16980 Filed 7–18–16; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities; Proposed Extension With No Changes of a Currently Approved Collection; Submission for OMB Review; Comment Request; State Program Report

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by August 18, 2016.

ADDRESSES: Submit written comments on the collection of information to Elena Fazio at 202–795–7343 or email: *elena.fazio@acl.hhs.gov.*

FOR FURTHER INFORMATION CONTACT: Elena Fazio at 202–795–7343 or email: *elena.fazio@acl.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, ACL has submitted the following proposed collection of information to OMB for review and clearance.

The Older Americans Act (OAA) requires annual program performance reports from States, the District of Columbia, and Territories. In compliance with this OAA provision, ACL developed a State Program Report (SPR) in 1996 as part of its National Aging Program Information System (NAPIS). The SPR collects information about how State Agencies on Aging expend their OAA funds as well as funding from other sources for OAA authorized supportive services. The SPR also collects information on the demographic and functional status of the recipients, and is a key source for ACL performance measurement. This collection is an extension with no changes of the 2013 approved version. The proposed version will be in effect for the FY 2017 reporting year and thereafter. The proposed FY 2017 version may be found on the ACL Web site link entitled Renewal SPR Instrument for 2016 Extension With No Changes available at *http://www.aoa.acl.gov/Program_Results/OAA_Performance.aspx.* ACL estimates the burden of this collection of information as follows: 2750 hours

Dated: July 12, 2016.

Kathy Greenlee,

Administrator and Assistant Secretary for Aging.

[FR Doc. 2016–16978 Filed 7–18–16; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–0001]

Pre-Clinical Evaluation of Red Blood Cells for Transfusion; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public workshop entitled "Pre-Clinical Evaluation of Red Blood Cells for Transfusion." The purpose of the public workshop is to discuss new methodologies for pre-clinical evaluation of the safety and efficacy of red blood cell transfusion products. The workshop has been planned in partnership with the National Heart, Lung, and Blood Institute; National Institutes of Health (NIH); the Department of Defense; and the Office of the Assistant Secretary for Health, Department of Health and Human Services. The workshop will include presentations and panel discussions by experts from academic institutions, industry, and government Agencies.

DATES: The public workshop will be held on October 6, 2016, from 8 a.m. to 5 p.m. and on October 7 from 9 a.m. to 1 p.m. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The public workshop will be held at the Ruth Kirschstein

Auditorium, Natcher Conference Center, Bldg. 45, National Institutes of Health Campus, 9000 Rockville Pike, Bethesda, MD 20892. The entrance for the public workshop participants (non-NIH employees) is through the NIH Gateway Center located adjacent to the Medical Center Metro, where routine security check procedures will be performed. Please visit the following Web site for NIH campus location, parking, security, and travel information: *http://www.nih.gov/about/visitor/index.htm.* Please visit the following Web site for information on the Natcher Conference Center: *http://www.genome.gov/11007522.*

FOR FURTHER INFORMATION CONTACT: Matthew Morrison, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, rm. 3128, Silver Spring, MD 20993, 240–402–8126, *Matthew.D.Morrison@fda.hhs.gov.* For questions email: *CBERPublicEvents@fda.hhs.gov* (Subject line: Red Blood Cell (RBC) Workshop).

SUPPLEMENTARY INFORMATION: The purpose of the public workshop is to discuss new methodologies for pre-clinical evaluation of the safety and efficacy of red blood cell transfusion products including potential identification of biomarkers measurable during red cell storage that could predict the in vivo functionality of transfused red blood cells. The first day of the workshop will include presentations and panel discussions on the following topics: (1) Overview of red blood cells for transfusion; (2) methods for determining the suitability of red blood cells for transfusion; (3) new methods for detecting red blood cell processing and storage legions; and (4) the use of animal models of oxygen delivery as markers of red blood cell safety and efficacy in the acute bleeding and trauma resuscitation settings.

The second day of the workshop will include presentations and panel discussions on the potential mechanisms of red blood cell transfusion-associated toxicity and a summary of all workshop panel discussions, identified gaps, and future directions.

Registration: Please visit the following Web site to register for the workshop by September 23, 2016: *https://www.eventbrite.com/e/pre-clinical-evaluation-of-red-blood-cells-for-transfusion-registration-25813463765.* There is no registration fee for the public workshop. Early registration is recommended because seating is limited. Registration on the day of the public workshop will be provided on a space available basis beginning at 7:30 a.m.

If you need special accommodations due to a disability, please contact Matthew Morrison (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance.

Transcripts: Please be advised that as soon as possible after a transcript of this public workshop is available, it will be accessible at: *http://www.fda.gov/BiologicsBloodVaccines/NewsEvents/WorkshopsMeetingsConferences/ucm507890.htm.*

Dated: July 13, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–17008 Filed 7–18–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–1895]

Prescription Drug User Fee Act; Public Meeting; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing a public meeting to discuss proposed recommendations for the reauthorization of the Prescription Drug User Fee Act (PDUFA) for fiscal years (FYs) 2018 through 2022. PDUFA authorizes FDA to collect fees and use them for the process for the review of human drug applications. The current legislative authority for PDUFA expires in September 2017. At that time, new legislation will be required for FDA to continue collecting prescription drug user fees in future fiscal years. Following discussions with the regulated industry and periodic consultations with public stakeholders, the Federal Food, Drug, and Cosmetic Act (the FD&C Act) directs FDA to publish the recommendations for the reauthorized program in the **Federal Register**, hold a meeting at which the public may present its views on such recommendations, and provide for a period of 30 days for the public to provide written comments on such recommendations. FDA will then consider such public views and comments and revise such recommendations as necessary.

DATES: The public meeting will be held on August 15, 2016, from 9 a.m. to 2 p.m. Please register for the meeting by August 8, 2016, at *http://pdufareauthorization.eventbrite.com.* Submit electronic or written comments to the public docket by August 22, 2016.

ADDRESSES: The meeting and workshop will be held at the FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503, Section A), Silver Spring, MD 20993–0002. Participants must enter through Building 1 and undergo security screening. For more information on parking and security procedures, please refer to *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential,

if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA–2016–N–1895 for "Prescription Drug User Fee Act; Public Meeting." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FDA will post the agenda approximately 5 days before the meeting at: *http://www.fda.gov/ForIndustry/UserFees/PrescriptionDrugUserFee/ucm446608.htm.*

FOR FURTHER INFORMATION CONTACT: Graham Thompson, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 1146, Silver Spring, MD 20993, 301–796–5003, FAX: 301–847–8443, *graham.thompson@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

FDA is announcing a public meeting to discuss proposed recommendations for the reauthorization of PDUFA, the legislation that authorizes FDA to collect user fees and use them for the process for the review of human drug applications. The current authorization of the program (PDUFA V) expires in September 2017. Without new legislation, FDA will no longer be able to collect user fees for future fiscal years to fund the process for the review of human drug applications. Section 736B(d)(4) of the FD&C Act (21 U.S.C. 379h–2(d)(4)) requires that after FDA holds negotiations with regulated industry and periodic consultations with stakeholders, we do the following: (1) Present recommendations to the relevant Congressional committees, (2) publish recommendations in the **Federal Register**, (3) provide a period of 30 days for the public to provide written comments on the recommendations, (4) hold a meeting at which the public may present its views, and (5) after consideration of public views and comments, revise the recommendations as necessary.

This notice, the 30-day comment period, and the public meeting will satisfy some of these requirements. After the public meeting, we will revise the recommendations as necessary and present our proposed recommendations to the Congressional committees.

The purpose of the meeting is to hear the public's views on the proposed recommendations for the reauthorized program (PDUFA VI). The following information is provided to help potential meeting participants better understand the history and evolution of the PDUFA program and the current status of the proposed PDUFA VI recommendations.

II. What is PDUFA and what does it do?

PDUFA is a law that authorizes FDA to collect fees from drug companies that submit marketing applications for certain human drug and biological products. PDUFA was originally enacted in 1992 as the Prescription Drug User Fee Act (Pub. L. 102–571) for a period of 5 years. In 1997, Congress passed the FDA Modernization Act (FDAMA, Pub. L. 105–115) that reauthorized the program (PDUFA II) for an additional 5 years. In 2002, Congress extended PDUFA again through FY 2007 (PDUFA III) in the Public Health Security and Bioterrorism Preparedness and Response Act (Pub. L. 107–188). In 2007, Title I of the Food and Drug Administration Amendments Act of 2007 (FDAAA, Pub. L. 110–85) reauthorized PDUFA through FY 2012 (PDUFA IV). Most recently, PDUFA was reauthorized through FY 2017 (PDUFA V) as Title I of the Food and Drug Administration Safety and Innovation Act (FDASIA, Pub. L. 112–144).

PDUFA's intent is to provide additional revenues so that FDA can hire more staff, improve systems, and establish a better-managed human drug review process to make important therapies available to patients sooner without compromising review quality or FDA's high standards for safety, efficacy, and quality. As part of FDA's agreement with industry during each reauthorization, the Agency agrees to certain performance goals. These goals apply to the process for the review of new human drug and biological product applications, resubmissions of original applications, and supplements to approved applications. During the first few years of PDUFA I, the additional funding enabled FDA to eliminate backlogs of original applications and supplements. Phased in over the 5 years of PDUFA I, the goals were to review and act on 90 percent of priority new drug applications (NDAs), biologics license applications (BLAs), and efficacy supplements within 6 months of submission of a complete application; to review and act on 90 percent of standard original NDAs, BLAs, and efficacy supplements within 12 months; and to review and act on resubmissions and manufacturing supplements within 6 months. Over the course of PDUFA I, FDA exceeded all of these performance goals and significantly reduced median review times of both priority and standard NDAs and BLAs.

Under PDUFA II, some of the review performance goals were shortened and new procedural goals were added to improve FDA's interactions with industry sponsors and to help facilitate the drug development process. The procedural goals, for example, articulated timeframes for scheduling sponsor-requested meetings intended to address issues or questions regarding specific drug development programs, as well as timeframes for the timely response to industry-submitted questions on special study protocols. FDA met or exceeded nearly all of the review and procedural goals under PDUFA II. However, concerns grew that overworked review teams often had to return applications as "approvable" because they did not have the resources and sufficient staff time to work with the sponsors to resolve issues so that applications could be approved in the first review cycle.

A sound financial footing and support for limited postmarket risk management were key themes of PDUFA III. Base user fee resources were significantly increased and a mechanism to account for changes in human drug review workload was adopted. PDUFA III also expanded the scope of user fee activities to include postmarket surveillance of new therapies for up to 3 years after marketing approval. FDA committed to the development of guidance for industry on risk assessment, risk management, and pharmacovigilance as well as guidance to review staff and industry on good review management principles and practices (GRMPs). Initiatives to improve application submissions and Agency-sponsored interactions during the drug development and application review processes were also adopted.

With PDUFA's reauthorization under FDAAA Title I (PDUFA IV), FDA obtained a significant increase in base fee funding and committed to full implementation of GRMPs, which includes providing a planned review timeline for premarket review, development of new guidance for industry on innovative clinical trials, modernization of postmarket safety, and elimination of the 3-year limitation on fee support for postmarket surveillance. Additional provisions in FDAAA (Titles IV, V, and IX) gave FDA additional statutory authority that increased the pre- and postmarket review process requirements, added new deadlines, and effectively increased review workload. Specifically, the new provisions expanded FDA's drug safety authorities such as the authority to require risk evaluation mitigation strategies, order safety labeling changes, and require postmarket studies.

With the current authorization of PDUFA under Title I of FDASIA, FDA implemented a new review program ("the Program") to promote greater transparency and increase communication between the FDA review team and the applicant on the most innovative products reviewed by the Agency. The Program applies to all new molecular entity (NME) NDAs and original BLAs received by the Agency from October 1, 2012, through September 30, 2017. The Program adds new opportunities for communication between the FDA review team and the applicant during review of a marketing application, including mid-cycle communications and late-cycle meetings, while adding 60 days to the review clock to provide for this increased interaction and to address review issues for these complex applications. PDUFA V also required two assessments of the impact of the Program. The first of these, the interim assessment, is available on FDA's Web site at *http://www.fda.gov/downloads/ForIndustry/UserFees/PrescriptionDrugUserFee/UCM436448.pdf*.

In addition to continued commitment to a significant set of review, processing, and procedural goals, PDUFA V also included commitments related to enhancing regulatory science and expediting drug development, enhancing benefit-risk assessment in regulatory decisionmaking, modernizing the FDA drug safety system, and improving the efficiency of human drug application review by requiring electronic submissions and standardization of electronic drug application data. The PDUFA V Commitment Letter requires that FDA report on the progress in satisfying these commitments in the annual PDUFA performance report. The annual performance reports can be found at *http://www.fda.gov/AboutFDA/ReportsManualsForms/Reports/UserFeeReports/PerformanceReports/ucm2007449.htm*. More information about FDA's implementation of PDUFA V can also be found at *http://www.fda.gov/ForIndustry/UserFees/PrescriptionDrugUserFee/ucm272170.htm*.

III. Proposed PDUFA VI Recommendations

In preparing the proposed recommendations to Congress for PDUFA reauthorization, FDA conducted discussions with the regulated industry and consulted with stakeholders, as required by the law. We began the PDUFA reauthorization process by publishing a notice in the **Federal Register** requesting public input on the reauthorization and announcing a public meeting that was held on July 15, 2015. The meeting included presentations by FDA and a series of panels with representatives of different stakeholder groups, including patient advocates, consumer groups, regulated industry, health professionals, and academic researchers. The materials from the meeting, including a transcript and Webcast recording, can be found at *http://www.fda.gov/ForIndustry/UserFees/PrescriptionDrugUserFee/ucm446608.htm*.

Following the July 2015 public meeting, FDA conducted negotiations with the regulated industry and held monthly consultations with stakeholders from September 2015 through February 2016. As directed by Congress, FDA posted minutes of these meetings on its Web site at *http://www.fda.gov/ForIndustry/UserFees/PrescriptionDrugUserFee/ucm446608.htm*.

The proposed enhancements for PDUFA VI address many of the top priorities identified by public stakeholders, the regulated industry, and FDA. While some of the proposed enhancements are new, many either build on successful enhancements or refine elements from the existing program. The enhancements are proposed in the following areas: Premarket review, regulatory decision tools, postmarketing evaluation, electronic submissions and data standards, and administrative areas (hiring and financial management). The full text of the proposed PDUFA VI commitment letter can be found here at *http://www.fda.gov/ForIndustry/UserFees/PrescriptionDrugUserFee/ucm446608.htm*. Each significant new or modified enhancement is described briefly below:

A. Program for Enhanced Review Transparency and Communication for NME NDAs and Original BLAs

The program for enhanced review transparency and communication for NME NDAs and original BLAs (the Program), first established in PDUFA V, provides for additional communication between FDA review teams and the applicants of NME NDAs or original BLAs in the form of pre-submission meetings, mid-cycle communications, and late-cycle meetings, while also adding 60 days to the review timeframe to accommodate this additional interaction. An interim assessment of the Program suggested that the Program has created conditions that enhance the ability of applicants and FDA reviewers to work toward application approval in the first cycle (see *http://www.fda.gov/ForIndustry/UserFees/PrescriptionDrugUserFee/ucm327030.htm*).

For PDUFA VI, FDA proposes to maintain the Program with minor modifications to reduce administrative burden and increase flexibility to the benefit of FDA review teams and applicants. FDA proposes to provide an option for the FDA review team and the applicant to agree on a formal communication plan to govern interactions during the application review. The formal communication plan may or may not include Program elements (*e.g.* mid-cycle communication, late-cycle meeting) and may include other interactions that are not part of the Program (*e.g.* application orientation meetings). Additional flexibility is also provided for scheduling of advisory committee (AC) meetings and an option for an informal teleconference following the AC meeting is provided as well for purposes of discussing the committee's input. Review activities involving FDA's controlled substance scheduling recommendations are also to be discussed at Program meetings, if relevant. Applications that receive a refuse-to-file action and are subsequently filed over protest are now subject to the Program review performance goals, but do not benefit from the Program interactions; additionally any subsequent resubmissions for applications filed over protest are not subject to any review performance goals.

This enhancement is described in section I.B. of the proposed PDUFA VI commitment letter.

B. Goal Extensions for Missing Manufacturing Facilities

Inspections late in the review process of inadequately identified manufacturing facilities can adversely impact FDA's ability to complete application review within the performance goal timeframes. FDA proposes to extend the goal date for an original application or an efficacy supplement when it identifies a need to inspect a facility that was not included in a comprehensive and readily located list of manufacturing facilities. This enhancement is described in section I.A.5.b of the proposed PDUFA VI commitment letter.

C. Meeting Management

The number of requests for formal meetings between sponsors and the FDA is rapidly increasing; in FY 2015 alone, FDA received over 3,000 requests for formal PDUFA meetings with sponsors. The background packages for these meetings are increasingly complex which creates challenges for FDA to review and deliberate internally before providing advice to sponsors on complex drug development questions within current performance goal timeframes. To help address this issue, FDA proposes to create a new Type B End of Phase (EOP) meeting type for certain EOP 1 and EOP 2/pre-phase 3 meetings. The performance goal timeframes for responses to meeting requests, submission of meeting background packages, and FDA's issuance of preliminary responses for the Type B (EOP) meetings and the Type C meetings would be modified to provide adequate time for FDA review and response. Sponsors would receive preliminary responses to their questions no later than five calendar days before the scheduled meeting, providing the sponsor with time to evaluate whether an in-person meeting would still be necessary. Sponsors would also be able to request a Written Response Only for any meeting type. The language for meeting management is described in section I.H of the proposed PDUFA VI commitment letter.

D. Enhancing Regulatory Science and Expediting Drug Development

The enhancements under this section focus on enhancing regulatory science and expediting drug development. Regulatory science, in this context, is the science of developing and applying new tools, standards, and approaches to assess the safety, effectiveness, quality, and performance of FDA-regulated drug products. The details of these enhancements can be found in section I.I of the proposed PDUFA VI commitment letter.

1. FDA-Sponsor Communication During Drug Development

FDA recognizes that timely interactive communication with sponsors can help foster efficient and effective drug development. Under commitments in PDUFA V, FDA focused on improving communication between FDA and sponsors during drug development by establishing a dedicated drug development communications and training staff in the Center for Drug Evaluation and Research (CDER) and augmenting existing communications staff in the Center for Biologics Evaluation and Research (CBER). Under PDUFA VI, FDA proposes to build on this enhancement by conducting a third-party evaluation of current communication practices between FDA and sponsors during drug development, to convene a public workshop to discuss results of this evaluation, and then to update the guidance on "Best Practices for Communication Between IND Sponsors and FDA During Drug Development," if necessary (available here: *http://www.fda.gov/downloads/drugs/guidancecomplianceregulatoryinformation/guidances/ucm475586.pdf*).

2. Breakthrough Therapies

FDASIA established a new designation, breakthrough therapy, for drugs intended to treat a serious or life threatening disease or condition where preliminary clinical evidence indicates that the drug may demonstrate substantial improvement over existing therapies on one or more clinically significant endpoints. Utilization of the breakthrough therapy program has been higher than anticipated with over 300 requests for designation received, and over 100 granted (as of March 2016). Additional resources will enable the FDA to continue to work closely with sponsors throughout the development and review of breakthrough therapies. Both the FDA and the regulated industry are committed to ensuring the expedited development and review of innovative therapies for serious or life-threatening diseases by investing additional resources in the breakthrough therapy program during PDUFA VI.

3. Early Consultation on New Surrogate Endpoints

FDA recognizes that early consultation can be important to an efficient development program when a sponsor intends to use a biomarker as a new surrogate endpoint that has never been used as the primary basis for product approval in the proposed context of use. Early consultation enables the FDA review team to consult with senior management to evaluate the sponsor's proposal before providing advice to the sponsor on a critical aspect of their development program. FDA proposes that these requests for early consultation in PDUFA VI be considered as Type C meeting requests. The purpose of the meeting will be to discuss the feasibility of the surrogate as a primary endpoint, any knowledge gaps, and how these gaps should be addressed before the surrogate endpoint could be used as the primary basis for approval. To qualify for this consultation, the meeting background package will be due at the time of the meeting request and must include preliminary human data indicating the impact of the drug on the biomarker.

4. Rare Disease Drug Development

In PDUFA VI, FDA proposes to build on the success of the Rare Disease Program (RDP) by continuing to advance and facilitate the development and timely approval of drugs and biologics for rare diseases, including diseases in children. In addition to providing training for review staff related to development and review of drugs for rare diseases and engaging in outreach to external stakeholders, the RDP staff in CDER will be integrated into review teams for rare disease development programs and application review, while the RDP Staff in CBER will ensure that CBER's review offices consider flexible and feasible approaches in review. The RDP will also continue to foster collaborations in the development of tools to support rare disease drug development and facilitate interactions between stakeholders to increase awareness of FDA regulatory programs and engagement of patients in FDA's regulatory decisionmaking.

5. Advancing Development of Drug-Device and Biologic-Device Combination Products Regulated by CBER and CDER

Under PDUFA VI FDA will pursue the opportunity to improve inter-center and intra-center combination review coordination and transparency for PDUFA-led products. FDA proposes to enhance staff capacity and capability across the relevant medical product centers and the Office of Combination Products to more efficiently, effectively, and consistently review drug and device-led combination products. FDA also proposes to streamline the process for combination product review and to improve the Agency's ability to track drug and device-led combination product review workload, including a third party assessment of current practices for combination drug product review.

Under this enhancement FDA will also establish new performance goals and submission procedures for the review of human factors protocols for PDUFA combination products. These goals will be to provide the sponsor with written comments on these protocols within 60 days of receipt. The goals to provide written comments within 60 days will begin at the 50 percent level in FY 2019, and increase to 90 percent by FY 2021.

In addition, FDA proposes to publish draft guidance or update previously published guidance on bridging studies and patient-oriented labeling.

6. Enhancing Use of Real World Evidence for Use in Regulatory Decisionmaking

FDA recognizes the potential value of utilizing "real-world" evidence in evaluating not only the safety of medications but also their effectiveness. To better understand how real-world evidence can be generated and used appropriately in product evaluation, FDA proposes to conduct one or more public workshops, as well as other appropriate activities (*e.g.* pilot studies or methodology development projects). Considering the available input, FDA will then publish draft guidance on how real-world evidence can contribute to the assessment of safety and effectiveness in regulatory submissions.

7. Enhancing Regulatory Decision Tools to Support Drug Development and Review

The enhancements under this section focus on enhancing regulatory decision tools to support drug development and review. The details of these enhancements can be found in section I.J of the proposed PDUFA VI commitment letter.

8. Enhancing the Incorporation of the Patient's Voice in Drug Development and Decisionmaking

In PDUFA V, FDA conducted a series of Patient-Focused Drug Development (PFDD) meetings with the aim to more systematically gather patients' perspectives on their condition and available therapies to treat their condition. Under PDUFA VI, FDA proposes to build on these efforts to bridge from PFDD meetings to fit-for-purpose tools to collect meaningful patient input that can be incorporated into regulatory review. FDA proposes to develop a series of guidance documents to advance the collection of meaningful patient input. The publication of each draft guidance will be preceded by a public workshop conducted by FDA to gather stakeholder input relevant to the topics that will be the focus of that guidance. FDA also proposes to publish a repository of publicly available tools on FDA's Web site as a resource for stakeholders, to update internal policies and procedures, as appropriate, to incorporate an increased focus on patient input, and to enhance staff capacity to facilitate development and use of patient-focused methods to inform drug development and regulatory decisions.

9. Enhancing Benefit-Risk Assessment in Regulatory Decisionmaking

Ensuring the safety, effectiveness, and quality of drug products is an increasingly complicated regulatory task, requiring FDA's expert consideration of a multitude of complex factors. During PDUFA V, FDA implemented an enhanced structured approach to benefit-risk assessment in regulatory decisionmaking for drug products. In PDUFA VI, FDA proposes to publish an update to its benefit-risk framework implementation plan, to conduct an evaluation of the implementation of the benefit-risk framework, to develop guidance on benefit-risk assessments for new drugs and biologics, and to revise relevant policies and procedures to include new approaches that incorporate the benefit-risk framework into the human drug review program.

10. Advancing Model-Informed Drug Development

The development and application of exposure-based, biological, and statistical models derived from preclinical and clinical data sources can be used to inform regulatory decision-making, for example, in determining patient selection in clinical trials, individualized dosing for specific populations, or the need for post-marketing studies. To facilitate the development and application of these approaches during PDUFA VI, FDA proposes to convene a series of workshops to identify best practices for model-informed drug development (MIDD), to conduct a pilot program, to develop guidance on MIDD, and to update policies and procedures, as appropriate, to incorporate guidelines for the evaluation of MIDD approaches.

11. Enhancing Capacity To Review Complex Innovative Designs

To facilitate the advancement and use of complex adaptive, Bayesian, and other novel clinical trial designs during PDUFA VI, FDA proposes to convene a public workshop on complex innovative trial designs, publish guidance on complex innovative trial designs, to conduct a pilot program, and to update policies and procedures as appropriate to incorporate guidelines on evaluating complex innovative trial designs.

12. Enhancing Capacity To Support Analysis Data Standards for Product Development and Review

As regulatory submissions are increasingly submitted in fully standard electronic format, it becomes increasingly important to ensure that analysis datasets are structured according to the standards to facilitate acceptance and analysis of the datasets. To support the enhancement of analysis data standards for product development and review in PDUFA VI, FDA proposes to enhance staff capacity to develop and update relevant standards, to support the efficient submission and review of analysis datasets, to convene a public workshop to advance the development and application of analysis data standards, to collaborate with external stakeholders on development of data standards, and to update, as appropriate, internal policies and procedures associated with the submission and utilization of standardized analysis datasets.

13. Enhancing Drug Development Tools Qualification Pathway for Biomarkers

The Biomarker Qualification Program was established to support FDA's work with external partners to develop biomarkers that aid in the drug development process. To facilitate the enhancement of the drug development tools qualification pathway for biomarkers in PDUFA VI, FDA proposes to convene a public meeting to discuss taxonomy and a framework with standards for biomarkers used in drug development, to develop guidance on biomarker taxonomy, contexts of uses, and general evidentiary standards, and to maintain a public Web site to communicate a list of biomarker qualification submissions in the qualification process.

E. Enhancement and Modernization of the FDA Drug Safety System

The drug safety enhancements in PDUFA VI focus on expansion of the Sentinel System and enhancements to support the review, oversight, tracking, and communication of postmarketing drug safety issues. The enhancements are described in I.K of the proposed PDUFA VI commitment letter.

1. Advancing Postmarketing Drug Safety Evaluation Through Expansion of the Sentinel System and Integration into FDA Pharmacovigilance Activities

FDA's Sentinel Initiative is a long-term program designed to build and implement a national electronic system for monitoring the safety of FDA-approved medical products. FDA recently transitioned from the Mini-Sentinel pilot to the Sentinel System, but full utilization of the Sentinel System remains a work in progress. Continued development and integration of the Sentinel System is needed to realize the system's full value to the postmarketing safety review process. To help realize the full value of the Sentinel System during PDUFA VI, FDA proposes to continue to expand the systems' data sources and core capabilities, to systematically integrate Sentinel into postmarketing review activities, to enhance Sentinel communication practices with sponsors and the public, and to conduct an analysis of the impact of Sentinel expansion and integration for regulatory purposes.

2. Timely and Effective Evaluation and Communication of Postmarketing Safety Findings Related to New Drugs

During PDUFA VI, FDA proposes to continue to support the review, oversight, tracking, and communication of postmarketing drug safety issues. FDA proposes to make improvements to its current processes and information technology systems to enhance the management and oversight of postmarketing drug safety issues, to update policies and procedures to provide timely notification to a sponsor, to the extent practicable, when a serious safety signal is identified, and to conduct an assessment of how its data systems and processes support review, oversight, and communication of postmarketing drug safety issues.

F. Electronic Submissions and Data Standards Activities

FDA is committed to achieving the long-term goal of improving the predictability and consistency of the electronic submission process and enhancing transparency and accountability of FDA information technology related activities. During PDUFA VI, FDA proposes to publish submission documentation, metrics, submission status, and system and process changes, to hold quarterly meetings to share performance updates between FDA and the regulated industry, to hold annual public meetings to gather stakeholder input to inform the FDA information technology strategic plan, and to collaborate with standards development organizations and stakeholders to ensure the long-term sustainability of supported data standards. These enhancements are described in section IV of the proposed PDUFA VI commitment letter.

G. Improving FDA Hiring and Retention of Review Staff

To speed and improve development of safe and effective new therapies for patients requires that FDA hire and retain sufficient numbers and types of technical and scientific experts to efficiently conduct reviews of human drug applications. In order to strengthen this core function during PDUFA VI, FDA proposes to commit to completing implementation of an full time equivalent staff (FTE)-based position management system capability, to complete implementation of an online position classification system, to complete implementation of corporate recruiting practices, to augment hiring capacity with expert contractor support, to complete establishment of a dedicated function to ensure needed scientific staffing for the human drug review program, to establish clear goals for human drug review program hiring, and to conduct a comprehensive and continuous assessment of hiring and retention performance. These enhancements are described in section III of the proposed PDUFA VI commitment letter.

H. Enhancing Management of User Fee Resources

FDA is committed to enhancing management of PDUFA resources and ensuring PDUFA user fee resources are administered, allocated, and reported in an efficient and transparent manner. In PDUFA VI, FDA proposes to establish a resource capacity planning function to improve its ability to analyze current resource needs and project future resource needs, to modernize its time reporting approach, to conduct an evaluation of PDUFA program resource management, to publish a 5-year PDUFA financial plan with annual updates, and to convene an annual public meeting, beginning in FY 2019, to discuss the financial plan and progress towards the financial management enhancements. These enhancements are described in section II of the proposed PDUFA VI commitment letter.

I. Enhancements to Fee Structure and Related Mechanisms for Increased Predictability, Stability, and Efficiency

The current overall PDUFA fee structure and the fee setting process were established in 1993 for PDUFA I and have generally remained in place through four reauthorizations of PDUFA. Over the years, FDA and industry agreed that some elements of the fee structure and the fee setting process could be updated to enhance the predictability and stability of fee amounts and revenues in a manner to improve FDA's ability to engage in long-term financial planning. Additionally, some elements of the fee structure reduce the efficiency of administrative work without a corresponding benefit to the public or to the regulated industry. To address these issues, FDA proposes to shift a greater proportion of the target revenue allocation to more predictable fee-paying types (20 percent to applications; 80 percent to Program fees), to discontinue the establishment and supplement fees, to rename the product fee as the PDUFA Program fee, to modify the Program fee billing date to minimize the need for multiple billing cycles, to add a limitation that a sponsor shall not be assessed more than five PDUFA Program fees for a fiscal year for products identified in each distinct approved human drug application held by that sponsor, and to discontinue the Fees-Exceed-the-Costs waiver. FDA also proposes during PDUFA VI to replace the workload adjuster with a robust methodology for adjusting fees based on the capacity needs of the program, and to replace the fifth year offset provision and final year adjustment provisions with an annual operating reserve adjustment to provide for adequate carryover resources.

J. Impact of PDUFA VI Enhancements on User Fee Revenue

To implement the proposed enhancements for PDUFA VI, funding for a cumulative total of 230 FTE staff is proposed to be phased in over the course of PDUFA VI. The new funding will be phased in as follows:

- $20,077,793 for FY 2018
- $21,317,472 for FY 2019
- $16,953,329 for FY 2020
- $5,426,896 for FY 2021
- $2,769,609 for FY 2022

In addition, $8.73 million will be added in FY 2018 to provide for other additional direct costs associated with the PDUFA VI enhancements. This amount will be included for FYs 2019 through 2022 after being adjusted for inflation.

IV. Purpose and Scope of the Meeting

If you wish to attend this meeting, visit *http://pdufareauthorization.eventbrite.com.* Please register by August 8, 2016. If you are unable to attend the meeting in person, you can register to view a live Webcast of the meeting. You will be asked to indicate in your registration if you plan to attend in person or via the Webcast. Seating will be limited, so early registration is recommended. Registration is free and will be on a first-come, first-served basis. However, FDA may limit the number of participants from each organization based on space limitations. Registrants will receive confirmation once they have been accepted. Onsite registration on the day of the meeting will be based on space availability. If you need special accommodations because of a disability, please contact Graham Thompson (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days before the meeting.

The meeting will include a presentation by FDA and a series of invited panels representing different stakeholder groups identified in the statute (such as patient advocacy groups, consumer advocacy groups, health professionals, and regulated industry). We will also provide an opportunity for other organizations and individuals to make presentations at the meeting or to submit written comments to the docket before the meeting.

FDA will also hold an open public comment period at the meeting to give the public an opportunity to present their comments. Registration for open public comment will occur at the registration desk on the day of the meeting and workshop on a first-come, first-served basis.

Transcripts: As soon as a transcript is available, FDA will post it at *http://www.fda.gov/ForIndustry/UserFees/PrescriptionDrugUserFee/ucm446608.htm.*

Dated: July 13, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–16916 Filed 7–15–16; 4:15 pm]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0403]

Agency Information Collection Activities; Proposed Collection; Comment Request; Protection of Human Subjects: Informed Consent; Institutional Review Boards

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the collection of information related to certain regulations that provide protection for human subjects of clinical investigations conducted in support of applications or submissions to FDA for FDA-regulated products. The regulations provide protection of the rights, safety, and welfare of human subjects involved in research activities within FDA's jurisdiction.

DATES: Submit either electronic or written comments on the collection of information by September 19, 2016.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA–2013–N–0403 for "Protection of Human Subjects; Informed Consent; Institutional Review Boards." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, Three White Flint North, 10A63, 11601 Landsdown St., North Bethesda, MD 20851, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Protection of Human Subjects; Informed Consent; Institutional Review Boards—21 CFR Parts 50 and 56—OMB Control Number 0910–0755—Extension

Part 50 (21 CFR part 50) applies to all clinical investigations regulated by FDA under sections 505(i) and 520(g) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(i) and 360j(g), respectively), as well as clinical investigations that support applications for research or marketing permits for products regulated by FDA, including foods and dietary supplements that bear a nutrient content claim or a health claim, infant formulas, food and color additives, drugs for human use, medical devices for human use, biological products for human use, and electronic products. Compliance with part 50 is intended to protect the rights and safety of subjects involved in investigations filed with FDA under sections 403, 406, 409, 412, 413, 502, 503, 505, 510, 513–516, 518–520, 721, and 801 of the FD&C Act (21 U.S.C. 343, 346, 348, 350a, 350b, 352, 353, 355, 360, 360c–360f, 360h–360j, 379e, and 381, respectively) and sections 351 and 354–360F of the Public Health Service Act.

With few exceptions, no investigator may involve a human being as a subject in FDA-regulated research unless the investigator has obtained the legally effective informed consent of the subject or the subject's legally authorized representative (see § 50.20 (21 CFR 50.20)). In seeking informed consent, each subject must be provided with certain elements of informed consent. Those elements are listed in § 50.25. Informed consent shall be documented in writing as described in § 50.27.

An institutional review board (IRB) may approve emergency research without requiring the informed consent of all research subjects provided the IRB finds and documents that certain criteria are met as required in § 50.24. We estimate that about eight times per year an IRB is requested to review emergency research under § 50.24. We estimate, of the eight yearly requests for IRB review under § 50.24, a particular IRB will take about an hour during each of three separate fully convened IRB meetings to review the request under § 50.24 (one meeting occurring after community consultation). The total annual reporting burden for IRB review of emergency research under § 50.24 is estimated at 24 hours (see table 1).

The information requested in the regulations for exception from the general requirements for informed consent for medical devices (21 CFR 812.47), and the information requested in the regulations for exception from the general requirements of informed consent in § 50.23, paragraphs (a) through (c), and (e), is currently approved under OMB control number 0910–0586. The information requested in the investigational new drug (IND) regulations concerning exception from informed consent for emergency research under § 50.24 is currently approved under OMB control number 0910–0014. In addition, the information requested in the regulations for IND safety reporting requirements for human drug and biological products and safety reporting requirements for bioavailability and bioequivalence studies in humans (21 CFR 320.31(d), and 21 CFR 312.32(c)(1)(ii) and (iv)) is currently approved under OMB control number 0910–0672.

Some clinical investigations involving children, although otherwise not approvable, may present an opportunity to understand, prevent, or alleviate a serious problem affecting the health or welfare of children (see § 50.54). Certain clinical investigations involving children may proceed if the IRB finds and documents that the clinical investigation presents a reasonable opportunity to further the understanding, prevention, or alleviation of a serious problem affecting the health or welfare of children and when the Commissioner of Food and Drugs, after consultation with a panel of experts in pertinent disciplines and following opportunity for public review and comment, makes a determination that certain conditions are met (see § 50.54(b)).

The information requested for clinical investigations in children of FDA-regulated products is covered by the collections of information in the IND regulations (part 312 (21 CFR part 312)), the investigational device exemption (IDE) regulations (part 812 (21 CFR part 812)), the IRB regulations (§ 56.115 (21 CFR 56.115)), the food additive petition and nutrient content claim petition regulations (21 CFR 101.69 and 101.70), and the infant formula regulations (parts 106 and 107 (21 CFR parts 106 and 107)), all of which are approved by OMB. Specifically, the information collected under the IND regulations is currently approved under OMB control number 0910–0014. The information collected under the IDE regulations is currently approved under OMB control number 0910–0078. The information collected under the IRB regulations is currently approved under OMB control number 0910–0130. The information collected in food additive and nutrient content claim petitions is currently approved under OMB control number 0910–0381 (general requirements) and 0910–0016 (FDA Form 3503). The information collected under the infant formula regulations is currently approved under OMB control number 0910–0256 (general requirements) and 0910–0188 (infant formula recalls).

Part 56 (21 CFR part 56) contains the general standards for the composition, operation, and responsibility of an IRB that reviews clinical investigations regulated by FDA under sections 505(i) and 520(g) of the FD&C Act, as well as clinical investigations that support applications for research or marketing permits for products regulated by FDA, including foods and dietary supplements that bear a nutrient content claim or a health claim, infant formulas, food and color additives, drugs for human use, medical devices for human use, biological products for human use, and electronic products. Compliance with part 56 is intended to protect the rights and welfare of human subjects involved in such investigations.

The information collected under the IRB regulations "Protection of Human Subjects—Recordkeeping and Reporting Requirements for Institutional Review Boards (part 56)," including the information collection activities in the provisions in § 56.108(a)(1) and (b), is currently approved under OMB control number 0910–0130. The information collected under the regulations for the registration of IRBs in § 56.106 is currently approved under OMB control number 0990–0279. The information collected for IRB review and approval for the IDE regulations (part 812) is currently approved under OMB control number 0910–0078. The information collected for premarket approval of medical devices (part 814 (21 CFR part 814)) is currently approved under OMB control number 0910–0231. The information collected under the regulations for IRB requirements for humanitarian use devices (part 814, subpart H) is currently approved under OMB control number 0910–0332. The information collected under the regulations for IRB review and approval of INDs (part 312) is currently approved under OMB control number 0910–0014.

This collection of information is limited to certain provisions in part 50, subpart B (Informed Consent of Human Subjects), and part 56 (Institutional Review Boards), currently approved under OMB control number 0910–0755.

This proposed extension applies to the following collections of information in part 50: §§ 50.24 (*Exception from informed consent requirements for emergency research.*), 50.25 (*Elements of informed consent.*), and 50.27 (*Documentation of informed consent.*).

In part 56, this proposed extension applies to the following collections of information: § 56.109(d) (written statement about research when documentation of informed consent is waived); § 56.109(e) (IRB written notification to approve or disapprove research); § 56.109(f) (continuing review of research); § 56.109(g) (IRB written statements to the sponsor about required public disclosures related to emergency research under § 50.24); § 56.113 (*Suspension or termination of IRB approval of research.*); § 56.120(a) (IRB response to lesser administrative actions for noncompliance); and, § 56.123 (*Reinstatement of an IRB or an institution.*).

In § 56.109(d), if an IRB has waived documentation of consent for research that (1) presents no more than minimal risk of harm to subjects and (2) involves no procedures for which consent is normally required outside of the research context, the IRB may nevertheless require the investigator to provide a written statement about the research to the subjects. We estimate that each IRB will review about two minimal risk FDA-regulated studies each year. Because the studies are minimal risk, the review can be fairly straightforward, and the written statement for the subjects would be brief. We estimate that IRB review of each written statement could be completed in less than 30 minutes (0.5 hours).

In § 56.109(f), the amount of time an IRB spends on the continuing review of a particular study will vary depending on the nature and complexity of the research, the amount and type of new information presented to the IRB, and whether the investigator is seeking approval of substantive changes to the research protocol or informed consent document. For many studies, continuing review can be fairly straightforward, and the IRB should be able to complete its deliberations and approve the research within a brief period of time.

In § 56.109(g), an IRB is required to provide the sponsor of a study involving an exception from informed consent for emergency research under § 50.24 with a written statement of information that has been publicly disclosed to the communities in which the investigation will be conducted and from which the subjects will be drawn. Public disclosure prior to initiation of the investigation would include the plans for the investigation and its risks and expected benefits. There must also be public disclosure of sufficient information following completion of the clinical investigation to apprise the community and researchers of the study, including the demographic characteristics of the research population, and its results. (See § 50.24(a)(7)(ii) and (iii).) The purpose of the IRB's written statements is to make the sponsor aware that public disclosure has occurred, so that the sponsor can provide copies of the information that has been disclosed to FDA, as required by 21 CFR 312.54(a) and 812.47(a).

We estimate that about eight requests to review emergency research under § 50.24 are submitted each year, and the IRBs that review those studies would prepare two public disclosure reports: One prior to initiation of the research and one following the study's completion. We estimate that it will take an IRB approximately 1 hour to prepare a written statement to the study sponsor describing each public disclosure, for a total of 2 hours per study. The total annual third party disclosure burden for IRBs to fulfill this requirement related to emergency research under § 50.24 is estimated at 16 hours (see table 2).

When an IRB or institution violates the regulations, FDA issues to the IRB or institution a noncompliance letter (see § 56.120(a)). The IRB or institution must respond to the noncompliance letter describing the corrective actions that will be taken by the IRB or institution. FDA estimates about seven IRBs or institutions will be issued a noncompliance letter annually. We estimate that the IRB's or institution's response will take about 10 hours to prepare, with an estimated total annual burden of 70 hours.

In 2016, FDA disqualified one IRB under § 56.121. To date, no IRB or institution has been reinstated or applied for reinstatement under § 56.123. For this reason, we estimate the annual reporting burden for one respondent only. We estimate a 5-hour burden per response, with an estimated total annual burden of 5 hours.

The regulatory provisions in parts 50 and 56 currently approved under this collection of information, OMB control number 0910–0755, and for which this extension is requested, are shown in table 1.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
56.109(d) Written statement about minimal risk research when documentation of informed consent is waived	2,520	2	5,040	0.5 (30 minutes)	2,520
56.109(e) IRB written notification to approve or disapprove research; 56.109(f) Continuing review; 50.25 Elements of informed consent; and 50.27 Documentation of informed consent	2,520	40	100,800	1	100,800
50.24 Exception from informed consent requirements for emergency research	8	3	24	1	24
56.113 Suspension or termination of IRB approval of research	2,520	1	2,520	0.5 (30 minutes)	1,260
56.120(a) IRB response to lesser administrative actions for noncompliance	7	1	7	10	70
56.123 Reinstatement of an IRB or an institution	1	1	1	5	5
Total					104,679

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

21 CFR Section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
56.109(g) IRB written statement about public disclosures to sponsor of emergency research under 50.24	8	2	16	1	16

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: July 13, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–17016 Filed 7–18–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–D–0315]

E2C(R2) Periodic Benefit-Risk Evaluation Report and E2C(R2) Periodic Benefit-Risk Evaluation Report—Questions and Answers; International Council for Harmonisation; Guidances for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of guidances for industry entitled "E2C(R2) Periodic Benefit-Risk Evaluation" (E2C(R2) guidance) and "E2C(R2) Periodic Benefit-Risk Evaluation Report—Questions and Answers" (E2C(R2) Q&A guidance). These guidances were prepared under the auspices of the International Council for Harmonisation (ICH), formerly the International Conference on Harmonisation. The E2C(R2) draft guidance, issued April 11, 2012, updated and combined two ICH guidances, "E2C Clinical Safety Data Management: Periodic Safety Update Reports for Marketed Drugs" (E2C guidance) and "Addendum to E2C Clinical Safety Data Management: Periodic Safety Update Reports for Marketed Drugs" (addendum to the E2C guidance). The E2C(R2) guidance is intended to describe the format, content, and timing of a Periodic Benefit-Risk Evaluation Report (PBRER) for an approved drug or biologic, and it finalizes the draft guidance. The E2C(R2) Q&A guidance is a supplementary guidance that is intended to clarify key issues in the E2C(R2) guidance.

DATES: Submit either electronic or written comments on Agency guidances at any time.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked, and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA–2012–D–0315 for "E2C(R2) Periodic Benefit-Risk Evaluation Report and E2C(R2) Periodic Benefit-Risk Evaluation Report—Questions and Answers; International Council for Harmonisation; Guidances for Industry; Availability." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Submit written requests for single copies of these guidances to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002, or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. The guidances may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance documents.

FOR FURTHER INFORMATION CONTACT: *Regarding the guidance:* Maureen Melvin, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 4480, Silver Spring, MD 20993–0002, 301–796–5366; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

Regarding the ICH: Amanda Roache, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 1128, Silver Spring, MD 20993–0002, 301–796–4548.

SUPPLEMENTARY INFORMATION:

I. Background

In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote international harmonization of regulatory requirements. FDA has participated in many meetings designed to enhance harmonization and is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and then reduce differences in technical requirements for drug development among regulatory agencies.

ICH was organized to provide an opportunity for harmonization initiatives to be developed with input from both regulatory and industry representatives. FDA also seeks input from consumer representatives and others. ICH is concerned with harmonization of technical requirements for the registration of pharmaceutical products for human use among regulators around the world. The six founding members of the ICH are the European Commission; the European Federation of Pharmaceutical Industries Associations; the Japanese Ministry of Health, Labour, and Welfare; the Japanese Pharmaceutical Manufacturers Association; CDER and CBER, FDA; and the Pharmaceutical Research and Manufacturers of America. The Standing Members of the ICH Association include Health Canada and Swissmedic. Any party eligible as a Member in accordance with the ICH Articles of Association can apply for membership in writing to the ICH Secretariat. The ICH Secretariat, which coordinates the preparation of documentation, operates as an international nonprofit organization and is funded by the Members of the ICH Association.

The ICH Assembly is the overarching body of the Association and includes representatives from each of the ICH members and observers.

In the **Federal Register** of April 11, 2012 (77 FR 21782), FDA published a notice announcing the availability of a draft guidance entitled "E2C(R2) Periodic Benefit-Risk Evaluation Report." The draft E2C(R2) guidance updated and combined the E2C guidance and the addendum to the E2C guidance. The notice gave interested persons an opportunity to submit comments by May 11, 2012.

After consideration of the comments received and revisions to the guidance, a final draft of the guidance was submitted to the ICH Steering Committee and endorsed by the regulatory agencies in November 2012.

The E2C(R2) guidance provides guidance on the format, content, and timing of a PBRER for an approved drug or biologic, and it finalizes the draft guidance. The PBRER will serve as a common standard for periodic reporting on approved drugs or biologics among the ICH regions. The harmonized PBRER is intended to promote a consistent approach to periodic postmarket safety reporting among the ICH regions and to enhance efficiency by reducing the number of reports generated for submission to the regulatory authorities.

Since the E2C(R2) draft guidance was made available in 2012, ICH has identified questions linked to the interpretation and application of the E2C(R2) guidance. The E2C(R2) Q&A guidance is intended to clarify questions relating to implementation of the E2C(R2) guidance.

These guidances are being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidances represent the current thinking of FDA on the E2C(R2) PBRER. They do not establish any rights for any person and are not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. The Paperwork Reduction Act of 1995

These guidances refer to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520). The collection of information in the "Guidance on Reporting in Accordance with International Council for Harmonisation—Periodic Benefit-Risk Evaluation Report (E2C(R2)) and Providing Waiver-Related Materials" has been approved under OMB control number 0910–0771. The guidances also reference other collections of information. The collection of information in 21 CFR 314.80 has been approved under OMB control number 0910–0230, and the collection of information in 21 CFR 600.80 has been approved under OMB control number 0910–0308.

III. Electronic Access

Persons with access to the Internet may obtain the document at *http://www.regulations.gov, http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm,* or *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm.*

Dated: July 13, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–17009 Filed 7–18–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0873]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Bar Code Label Requirement for Human Drug and Biological Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by August 18, 2016.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0537. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, Three White Flint North 10A–12M, 11601 Landsdown Street, North Bethesda, MD 20852, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Bar Code Label Requirement for Human Drug Products and Blood; OMB Control No. 0910–0537—Extension

In the **Federal Register** of February 26, 2004 (69 FR 9120), FDA issued a final rule that requires human drug product and biological product labels to have bar codes. Specifically, the rule requires bar codes on most human prescription drug products and on over-the-counter (OTC) drug products that are dispensed under an order and commonly used in health care facilities. The rule also requires machine-readable information on blood and blood components. For human prescription drug products and OTC drug products that are dispensed under an order and commonly used in health care facilities, the bar code must contain the NDC number for the product. For blood and blood components, the rule specifies the minimum contents of the label in a format that is machine-readable and approved for use by the Director, Center for Biologics Evaluation and Research. We believe the rule helps to reduce the number of medication errors in hospitals and other health care settings by allowing health care professionals to use bar code scanning equipment to verify that the right drug (in the right dose and right route of administration) is being given to the right patient at the right time.

While most of the information collection burdens created by the final rule have now been incorporated into currently approved information collections supporting the applicable regulations, respondents to the collection may continue to seek an exemption from the bar code label requirement under § 201.25(d) (21 CFR 201.25(d)). Section 201.25(d) requires submission of a written request for an exemption and describes the information that must be included in such a request. Based on the number of exemption requests we have received previously, we estimate that approximately 2 exemption requests will be submitted annually and that each exemption request will require 24 hours to complete. This results in an annual reporting burden of 48 hours, as reflected below in Table 1.

In the **Federal Register** of December 15, 2015 (80 FR 77637) FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
201.25(d)	2	1	2	24	48

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: *July 13, 2016.*

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–17044 Filed 7–18–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–0001]

Pediatric Clinical Investigator Training Workshop; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; Correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** on June 16, 2016 (81 FR 39271). The document announced a "Pediatric Clinical Investigator Training" workshop and contained an incorrect Web link for registration and an incorrect Web link for more information on the workshop. This document corrects those errors.

FOR FURTHER INFORMATION CONTACT: Terrie L. Crescenzi, Office of Pediatric Therapeutics, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, *terrie.crescenzi@fda.hhs.gov* or Betsy Sanford, Office of Pediatric Therapeutics, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, *elizabeth.sanford@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** of Thursday, June 16, 2016, in FR Doc. 2016–14230, on page 39272, the following corrections are made:

1. On page 39272, in the first column, in the first paragraph under the "Workshop Attendance and Participation" heading, the first sentence is corrected to read "If you wish to attend this workshop, visit *https://www.eventbrite.com/e/pediatric-clinical-investigator-training-workshop-tickets-19708166657.*

2. On page 39272, in the first column, in the second paragraph under the "Workshop Attendance and Participation" heading, the first sentence is corrected to read "Registration information, the agenda, and additional background materials can be found at *http://www.fda.gov/NewsEvents/MeetingsConferencesWorkshops/ucm506658.htm.*

Dated: July 13, 2016.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2016–17015 Filed 7–18–16; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request—Scholarships for Disadvantaged Students Program

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects (Section 3506(c) (2) (A) of the Paperwork Reduction Act of 1995), the Health Resources and Services Administration (HRSA) announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than September 19, 2016.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 10–29, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Scholarships for Disadvantaged Students (SDS) Program.

OMB No. 0915–0149—Revision.

Abstract: The program specific form for the SDS program has been revised to reflect a change in the order of the fields only. Fields K (Public or Non Profit Institution) and H (Point of Contact) have been moved to fields A and B respectively. Now Field A is Public or Non Profit Institution and Field B is Point of Contact. All other fields remained in sequence but were renamed with the appropriate letter order.

Need and Proposed Use of the Information: The purpose of the SDS Program is to provide funds to eligible schools to provide scholarships to full-time, financially needy students from disadvantaged backgrounds enrolled in health professions programs. To qualify for participation in the SDS program, a school must be carrying out a program for recruiting and retaining students from disadvantaged backgrounds, including students who are members of racial and ethnic minority groups (section 737(d)(1)(B) of the Public Health Service (PHS) Act). A school must meet the eligibility criteria to demonstrate that the program has achieved success based on the number and/or percentage of disadvantaged students who graduate from the school. In awarding SDS funds to eligible schools, funding points must be given to schools based on the proportion of graduating students going into primary care, the proportion of underrepresented minority students, and the proportion of graduates working in medically underserved communities (section 737(c) of the PHS Act).

Likely Respondents: The respondents are institutions that will be applying to the SDS program every four years.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this Information Collection Request are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form	Number of respondents	Number of responses per respondent	Total responses	Hours per response	Total hour burden
Application	323	1	323	13	4,199
Total	323	1	323	13	4,199

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Jason E. Bennett,

Director, Division of the Executive Secretariat.

[FR Doc. 2016–17031 Filed 7–18–16; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; Rural Health Care Coordination Network Partnership

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received no later than August 18, 2016.

ADDRESSES: Submit your comments, including the ICR title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Rural Health Care Coordination Network Partnership Program Performance Improvement Measurement System.

OMB No. 0915–xxxx–New.

Abstract: The Rural Health Care Coordination Network Partnership (Care Coordination) Program is authorized under section 330A(f) of the Public Health Service Act (42 U.S.C. 254(c)(f)), as amended, to "support the development of formal, mature rural health networks that focus on care coordination activities for the following chronic conditions: diabetes, congestive heart failure and chronic obstructive pulmonary disease." This authority permits the Federal Office of Rural Health Policy (FORHP) to support grants for eligible entities to promote, through planning and implementation, the development of integrated health care networks that have combined the functions of the entities participating in the networks to: (i) Achieve efficiencies; (ii) expand access to, coordinate, and improve the quality of essential health care services; and (iii) strengthen the rural health care system as a whole.

Need and Proposed Use of the Information: For this program, performance measures were drafted to provide data to the program and to enable HRSA to provide aggregate program data required by Congress under the Government Performance and Results Act (GPRA) of 1993. These measures cover the principal topic areas of interest to FORHP, including: (a) Access to care; (b) population demographics; (c) staffing; (d) sustainability; (e) health information technology; (f) quality improvement; (g) care coordination; and (h) clinical measures. Several measures will be used for the Outreach Program. All measures will speak to FORHP's progress toward meeting the goals.

Likely Respondents: The respondents would be recipients of the Care Coordination program funding.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Rural Health Care Coordination Network Partnership Grant Program Measures	8	1	8	3.5	28
Total	8	....	8	....	28

Jason E. Bennett,

Director, Division of the Executive Secretariat.

[FR Doc. 2016–17005 Filed 7–18–16; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice concerning the final effect of the HHS decision to designate a class of employees from the Idaho National Laboratory in Scoville, Idaho, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, NIOSH, 1090 Tusculum Avenue, MS C–46, Cincinnati, OH 45226–1938, Telephone 877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV.*

SUPPLEMENTARY INFORMATION:

Authority: 42 U.S.C. 7384q(b). 42 U.S.C. 7384*l*(14)(C).

On June 3, 2016, as provided for under 42 U.S.C. 7384l(14)(C), the Secretary of HHS designated the following class of employees as an addition to the SEC:

> All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Idaho National Laboratory (INL) in Scoville, Idaho, and were monitored for external radiation at INL (*e.g.,* having at least one film badge or TLD dosimeter) during the period from March 1, 1970, through December 31, 1974, and were employed for a number of work days aggregating at least 250 work days, occurring either solely under employment during the period from March 1, 1970, through December 31, 1974, or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.

This designation became effective on July 3, 2016. Therefore, beginning on July 3, 2016, members of this class of employees, defined as reported in this notice, became members of the SEC.

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2016–17018 Filed 7–18–16; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice concerning the final effect of the HHS decision to designate a class of employees from the Lawrence Livermore National Laboratory in Livermore, California, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, NIOSH, 1090 Tusculum Avenue, MS C–46, Cincinnati, OH 45226–1938, Telephone 877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV.*

SUPPLEMENTARY INFORMATION:

Authority: 42 U.S.C. 7384q(b). 42 U.S.C. 7384*l*(14)(C).

On June 3, 2016, as provided for under 42 U.S.C. 7384l(14)(C), the Secretary of HHS designated the following class of employees as an addition to the SEC:

> All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked in any area at the Lawrence Livermore National Laboratory in Livermore, California, during the period from January 1,1974, through December 31, 1989, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.

This designation became effective on July 3, 2016. Therefore, beginning on July 3, 2016, members of this class of employees, defined as reported in this notice, became members of the SEC.

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2016–17019 Filed 7–18–16; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice concerning the final effect of the HHS decision to designate a class of employees from the Argonne National Laboratory-West in Scoville, Idaho, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, NIOSH, 1090 Tusculum Avenue, MS C–46, Cincinnati, OH 45226–1938, Telephone 877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV.*

SUPPLEMENTARY INFORMATION:

Authority: 42 U.S.C. 7384q(b). 42 U.S.C. 7384*l*(14)(C).

On June 3, 2016, as provided for under 42 U.S.C. 7384l(14)(C), the Secretary of HHS designated the following class of employees as an addition to the SEC:

> All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked at the Argonne National Laboratory-West during the time period from April 10, 1951, through December 31, 1957, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.

This designation became effective on July 3, 2016. Therefore, beginning on July 3, 2016, members of this class of employees, defined as reported in this notice, became members of the SEC.

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2016–17017 Filed 7–18–16; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[30-day notice]

Agency Information Collection Request; 30-Day Public Comment Request, Grants.gov

AGENCY: Office of the Secretary, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, *Grants.gov* (EGOV), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, email your request, including your address, phone number, OMB number, to *Ed.Calimag@hhs.gov,* or call the Reports Clearance Office on (202) 690–6162. Send written comments and recommendations for the proposed information collections within 30 days of this notice directly to the *Grants.gov* OMB Desk Officer; faxed to OMB at 202–395–6974.

Proposed Project:

Project Performance Site Location, Project Abstract, Key Contacts OMB Control Number 4040–0010.

3 Year Extension and assignment as a Common Form.

Office: Grants.gov.

Abstract: The Project Performance Site Location, Project Abstract, and Key Contacts forms are an OMB-approved collection (4040–0010). This information collection is used by more than 26 Federal grant-making entities for research and related projects. This IC originally is to expire on September 30, 2016. We are requesting a three-year clearance of this collection and that it be designated as a Common Form.

Estimated Annualized Burden Table

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Project Abstract	85	1	1	85
Project Performance Site Location(s)	143,567	1	1	143,567
Key Contacts	3,565	1	1	3,565
Total	147,217			147,217

Terry S. Clark,

Asst Information Collection Clearance Officer.

[FR Doc. 2016–15982 Filed 7–18–16; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Eunice Kennedy Shriver National Institute of Child Health and Human Development Special Emphasis Panel

Date: August 30, 2016.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Room 2137C, 6710B Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Dennis E. Leszczynski, Ph.D., Scientific Review Officer, Division of Scientific Review, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6710B Rockledge Drive, Room 2137C, Bethesda, MD 20892, (301) 435–6884, *leszczyd@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: July 13, 2016.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–16952 Filed 7–18–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Toward the Creation of New Genetic-Based, Phenotypic Classification System for COPD.

Date: August 11, 2016.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 7196, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Stephanie J Webb, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7196, Bethesda, MD 20892, 301–435–0291, *stephanie.webb@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: July 13, 2016.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2016–16951 Filed 7–18–16; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Approval of SGS North America, Inc., As a Commercial Gauger

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of approval of SGS North America, Inc., as a commercial gauger.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that SGS North America, Inc., has been approved to gauge petroleum and certain petroleum products for customs purposes for the next three years as of January 26, 2016.

DATES: The approval of SGS North America, Inc., as a commercial gauger became effective on January 26, 2016. The next triennial inspection date will be scheduled for January 2019.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.13, that SGS North America, Inc., 1740 West 4th St., Suite 108, Freeport, TX 77541, has been approved to gauge petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.13. SGS North America, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
3	Tank gauging.
7	Temperature Determination.
8	Sampling.
11	Physical Properties.
12	Calculations.
17	Maritime Measurements.

Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the following Web site for the current CBP Approved Gaugers and Accredited Laboratories List. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: July 11, 2016.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2016–16993 Filed 7–18–16; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Camin Cargo Control, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Camin Cargo Control, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Camin Cargo Control, Inc., has been approved to gauge and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of January 27, 2016.

DATES: *Effective Dates:* The accreditation and approval of Camin Cargo Control, Inc., as commercial gauger and laboratory became effective on January 27, 2016. The next triennial inspection date will be scheduled for January 2019.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Camin Cargo Control, Inc., 1550 Industrial Park Dr., Nederland, TX 77627, has been approved to gauge and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Camin Cargo Control, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
3	Tank gauging.
7	Temperature Determination.
8	Sampling.
11	Physical Properties Data.
12	Calculations.
17	Maritime Measurements.

Camin Cargo Control, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory

Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–01	D287	Standard Test Method for API Gravity of crude Petroleum and Petroleum Products.
27–03	D4006	Standard Test Method for Water in Crude Oil by Distillation.
27–04	D95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27–05	D4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27–06	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27–08	D86	Standard Test Method for Distillation of Petroleum Products.
27–11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids.
27–13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27–14	D2622	Standard Test Method for Sulfur in Petroleum Products.
27–46	D5002	Density of Crude Oils by Digital Density Meter.
27–48	D4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27–50	D93	Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.
27–58	D5191	Standard Test Method For Vapor Pressure of Petroleum Products.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for the current CBP Approved Gaugers and Accredited Laboratories List. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: July 11, 2016.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2016–16998 Filed 7–18–16; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Camin Cargo Control, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Camin Cargo Control, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Camin Cargo Control, Inc., has been approved to gauge and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of July 15, 2015.

DATES: *Effective Dates:* The accreditation and approval of Camin Cargo Control, Inc., as commercial gauger and laboratory became effective on July 15, 2015. The next triennial inspection date will be scheduled for July 2018.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Camin Cargo Control, Inc., 471 Eastern Ave., Chelsea, MA 02150, has been approved to gauge and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Camin Cargo Control, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
3	Tank gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Maritime Measurements.

Camin Cargo Control, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–08	ASTM D–86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27–11	ASTM D–445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27–13	ASTM D–4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27–48	ASTM D–4052	Standard test method for density and relative density of liquids by digital density meter.
27–53	ASTM D–2709	Standard Test Method for Water and Sediment in Middle Distillate Fuels by Centrifuge.
27–57	ASTM D–7039	Standard Test Method for Sulfur content by monochromatic wavelength dispersive X-ray.
27–58	ASTM D–5191	Standard Test Method For Vapor Pressure of Petroleum Products (Mini Method).
N/A	ASTM D–5453	Standard Test Method for Determination of Total Sulfur in Light Hydrocarbons, Spark Ignition Engine Fuel, Diesel Engine Fuel, and Engine Oil by Ultraviolet Fluorescence.
N/A	ASTM D–2699	Standard Test Method for Research Octane Number of Spark-Ignition Engine Fuel.
N/A	ASTM D–2700	Standard Test Method for Motor Octane Number of Spark-Ignition Engine Fuel.

CBPL No.	ASTM	Title
N/A	ASTM D–3606	Standard Test Method for Determination of Benzene and Toluene in Finished Motor and Aviation Gasoline by Gas Chromatography.
N/A	ASTM D–4815	Standard Test Method for Determination of MTBE, ETBE, TAME, DIPE, tertiary-Amyl Alcohol and C1 to C4 Alcohols in Gasoline by Gas Chromatography.
N/A	ASTM D–1319	Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Adsorption.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for the current CBP Approved Gaugers and Accredited Laboratories List. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: July 7, 2016.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2016–17003 Filed 7–18–16; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Approval of Marine Technical Surveyors, Inc., as a Commercial Gauger

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of approval of Marine Technical Surveyors, Inc., as a commercial gauger.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Marine Technical Surveyors, Inc., has been approved to gauge petroleum and certain petroleum products for customs purposes for the next three years as of June 16, 2015.

DATES: *Effective Date:* The approval of Marine Technical Surveyors, Inc., as a commercial gauger became effective on June 16, 2015. The next triennial inspection date will be scheduled for June 2018.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.13, that Marine Technical Surveyors, Inc., 2382 Highway 1 South, Donaldsonville, LA 70346, has been approved to gauge petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.13. Marine Technical Surveyors, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
3	Tank gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Maritime Measurements.

Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the following Web site for the current CBP Approved Gaugers and Accredited Laboratories List. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: July 7, 2016.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2016–16992 Filed 7–18–16; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Camin Cargo Control, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Camin Cargo Control, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Camin Cargo Control, Inc., has been approved to gauge and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of February 18, 2016.

DATES: *Effective Dates:* The accreditation and approval of Camin Cargo Control, Inc., as commercial gauger and laboratory became effective on February 18, 2016. The next triennial inspection date will be scheduled for February 2019.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Camin Cargo Control, Inc., 2844 Sharon Street, Suite B, Kenner, LA 70062, has been approved to gauge and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Camin Cargo Control, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
3	Tank gauging.
7	Temperature Determination.
8	Sampling.
11	Physical Properties Data.

API chapters	Title
12	Calculations.
17	Maritime Measurements.

Camin Cargo Control, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL Number	ASTM	Title
27–01	D287	Standard Test Method for API Gravity of crude Petroleum and Petroleum Products.
27–03	D4006	Standard Test Method for Water in Crude Oil by Distillation.
27–04	D95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27–05	D4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27–06	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27–08	D86	Standard Test Method for Distillation of Petroleum Products.
27–11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids.
27–13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27–46	D5002	Density of Crude Oils by Digital Density Meter.
27–48	D4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27–57	D7039	Standard Test Method for Sulfur in Gasoline and Diesel Fuel by Monochromatic Wavelength Dispersive X-Ray Fluorescence Spectrometry.
27–58	D5191	Standard Test Method For Vapor Pressure of Petroleum Products.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for the current CBP Approved Gaugers and Accredited Laboratories List. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: July 11, 2016.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2016–17002 Filed 7–18–16; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of SGS North America, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of SGS North America, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that SGS North America, Inc., has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes for the next three years as of September 30, 2015.

DATES: *Effective Dates:* The accreditation and approval of SGS North America, Inc., as commercial gauger and laboratory became effective on September 30, 2015. The next triennial inspection date will be scheduled for September 2018.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that SGS North America, Inc., 11729 Port Road, Seabrook, TX 77586, has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. SGS North America, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
3	Tank gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Maritime Measurements.

SGS North America, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–48	ASTM D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://*

www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories

Dated: July 11, 2016.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2016–16997 Filed 7–18–16; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of SGS North America, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of SGS North America, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that SGS North America, Inc., has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes for the next three years as of August 6, 2015.

DATES: *Effective Dates:* The accreditation and approval of SGS North America, Inc., as commercial gauger and laboratory became effective on August 6, 2015. The next triennial inspection date will be scheduled for August 2018.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that SGS North America, Inc., 925 Corn Products Road, Corpus Christi, TX 78409, has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. SGS North America, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
3	Tank gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Maritime Measurements.

SGS North America, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–01	ASTM D–287	Standard test method for API Gravity of crude petroleum products and petroleum products (Hydrometer Method).
27–02	ASTM D–1298	Standard Test Method for specific gravity by Hydrometer method.
27–03	ASTM D–4006	Standard test method for water in crude oil by distillation.
27–04	ASTM D–95	Standard test method for water in petroleum products and bituminous materials by distillation.
27–06	ASTM D–473	Standard test method for sediment in crude oils and fuel oils by the extraction method.
27–11	ASTM D–445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27–13	ASTM D–4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: July 7, 2016.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2016–16995 Filed 7–18–16; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of SGS North America, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of SGS North America, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that SGS North America, Inc., has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes for the next three years as of September 9, 2015.

DATES: *Effective Dates:* The accreditation and approval of SGS North America, Inc., as commercial gauger and laboratory became effective on September 9, 2015. The next triennial inspection date will be scheduled for September 2018.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that SGS North America, Inc., 7315 S. 76th Ave., Bridgeview, IL 60455, has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. SGS North America, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
3	Tank gauging.
7	Temperature Determination.
8	Sampling.
9	Density Determination.
12	Calculations.
17	Maritime Measurements.

SGS North America, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–08	ASTM D 86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27–11	ASTM D 445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (the Calculation of Dynamic Velocity).
27–48	ASTM D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27–50	ASTM D 93	Standard test methods for flash point by Pensky-Martens Closed Cup Tester.
27–53	ASTM D 2709	Standard Test Method for Water and Sediment in Middle Distillate Fuels by Centrifuge.
27–58	ASTM D 5191	Standard Test Method For Vapor Pressure of Petroleum Products (Mini Method).
N/A	ASTM D5453	Standard Test Method for Determination of Total Sulfur in Light Hydrocarbons, Spark Ignition Engine Fuel, Diesel Engine Fuel, and Engine Oil by Ultraviolet Fluorescence.
N/A	ASTM D1319	Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Adsorption.
N/A	ASTM D4815	Standard Test Method for Determination of MTBE, ETBE, TAME, DIPE, tertiary-Amyl Alcohol and C1 to C4 Alcohols in Gasoline by Gas Chromatography.
N/A	ASTM D3606	Standard Test Method for Determination of Benzene and Toluene in Finished Motor and Aviation Gasoline by Gas Chromatography.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: July 11, 2016.

Ira S. Reese,

Executive Director, Laboratories and Scientific Service.

[FR Doc. 2016–16994 Filed 7–18–16; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of SGS North America, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of SGS North America, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that SGS North America, Inc., has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes for the next three years as of April 13, 2016.

DATES: *Effective Date:* The accreditation and approval of SGS North America, Inc., as commercial gauger and laboratory became effective on April 13, 2016. The next triennial inspection date will be scheduled for April 2019.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that SGS North America, Inc., 1100 SE 24th St., Fort Lauderdale, FL 33316, has been approved to gauge and accredited to test petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. SGS North America, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
3	Tank gauging.
7	Temperature Determination.
8	Sampling.
9	Density Determination.
12	Calculations.
17	Maritime Measurements.

SGS North America, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–04	D95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27–06	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27–08	D86	Standard Test Method for Distillation of Petroleum Products.
27–11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids.
27–13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27–48	D4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27–54	D1796	Standard Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method.

CBPL No.	ASTM	Title
27–58	D5191	Standard Test Method For Vapor Pressure of Petroleum Products.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: July 11, 2016.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorat.

[FR Doc. 2016–16996 Filed 7–18–16; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Approval of Barrios Measurement Services LLC, as a Commercial Gauger

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of approval of Barrios Measurement Services LLC, as a commercial gauger.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Barrios Measurement Services LLC, has been approved to gauge petroleum and petroleum products for customs purposes for the next three years as of March 31, 2016.

DATES: *Effective Dates:* The approval of Barrios Measurement Services LLC, as commercial gauger became effective on March 31, 2016. The next triennial inspection date will be scheduled for March 2019.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.13, that Barrios Measurement Services LLC, 228 West 133rd St., Cut Off, LA 70345, has been approved to gauge petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.13. Barrios Measurement Services LLC, is approved for the following gauging procedures for petroleum and certain petroleum products set forth by the American Petroleum Institute (API):

API chapters	Title
8.2	Standard Practice for Automatic Sampling of Liquid Petroleum and Petroleum Products.
8.3	Standard Practice for Mixing and Handling of Liquid Samples of Petroleum and Petroleum products.

Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: July 11, 2016.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2016–17004 Filed 7–18–16; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0009]

Agency Information Collection Activities: Petition for Nonimmigrant Worker, Form I–129; Extension, Without Change, of a Currently Approved Collection

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information or new collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until September 19, 2016.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0009 in the subject box, the agency name and Docket ID USCIS–2005–0030. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at *http://www.regulations.gov* under e-Docket ID number USCIS–2005–0030;

(2) *Email.* Submit comments to *USCISFRComment@uscis.dhs.gov;*

(3) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number (202) 272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov*, or call the USCIS National Customer Service Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2005–0030 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov*, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov*.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Background

On December 31, 2015, USCIS published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** at 80 FR 81900 proposing to amend its regulations related to certain employment-based immigrant and nonimmigrant visa programs. The NPRM allowed for a 60-day public comment period on proposed amendments and 27,979 commenters responded. As part of the proposed regulatory amendments, USCIS proposed several revisions to Form I–129, Petition for Nonimmigrant Worker. USCIS invited the public to submit comments regarding proposed revisions to Form I–129 as part the NPRM's 60-day public comment period in accordance to 5 CFR 1320.11. USCIS is currently reviewing those public comments in consideration of how to address and/or revise its proposed amendments.

Under 5 CFR 1320.5(a), USCIS is required to evaluate comments received under § 1320.11. In addition, 5 CFR 1320.5(b) requires USCIS to ensure that Form I–129 displays a currently valid OMB control number. As USCIS continues its careful review and evaluation of the public comments received from 27,979 commenters, USCIS must ensure that Form I–129 continues to display a currently valid OMB control number. Currently, Form I–129 is set to expire on October 31, 2016. To ensure Form I–129 retains a valid OMB control number during review and evaluation of the public comments received from 27,979 commenters, USCIS must implement an Extension, Without Change, of a Currently Approved Collection.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition for Nonimmigrant Worker.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–129; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit; Not-for-profit institutions. This form is used by an employer to petition for aliens to come to the U.S. temporarily to perform services, labor, and training or to request extensions of stay or changes in nonimmigrant status for nonimmigrant workers.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection Form I–129 is 333,891 and the estimated hour burden per response is 2.34 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 1,631,400 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $78,027,021.25.

Dated: July 13, 2016.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2016–17042 Filed 7–18–16; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0068]

Agency Information Collection Activities: Registration for Classification as a Refugee, Form I–590; Revision of a Currently Approved Collection

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until September 19, 2016.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0068 in the subject box, the agency name and Docket ID USCIS–2007–0036. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at *http://www.regulations.gov* under e-Docket ID number USCIS–2007–0036;

(2) *Email.* Submit comments to *USCISFRComment@uscis.dhs.gov;*

(3) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2009–0020 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Registration for Classification as Refuge.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–590; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Form I–590 provides a uniform method for applicants to apply for refugee status and contains the information needed for USCIS to adjudicate such applications.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Registration for Classification—100,000 respondents at 3 hours per response; Request for Interview—1,500 respondents at 1 hour per response; DNA Evidence—100 respondents at 2 hours per response; Biometric processing—101,600 respondents at 20 minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 368,228 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is 0.

Dated: July 12, 2016.

Samantha Deshommes,

Acting Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2016–17041 Filed 7–18–16; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX16AE6000C1000]

Intent To Grant an Exclusive License

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of intent to grant an exclusive license.

SUMMARY: The Notice is hereby given that the U.S. Geological Survey intends to grant to Induced Polarization Associates, LLC., 1124 NW. 53rd St., Seattle, WA 98107, an exclusive license to practice the following: A system and method, to utilize induced polarization to locate and detect minerals, and oil plumes below the surface water.

DATES: Comments must be received fifteen (15) days from the effective date of this notice.

FOR FURTHER INFORMATION CONTACT: Sharon Borland, Chief, Office of Policy and Analysis, U.S. Geological Survey, 12201 Sunrise Valley Dr., MS 153, Reston, VA 20192, 703–648–6723.

SUPPLEMENTARY INFORMATION: It is in the public interest to license this invention, as Induced Polarization Associates, LLC., submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within fifteen (15) days from the date of this published Notice, the U.S. Geological Survey Office of Policy and Analysis receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Shari Delung,

Acting Deputy Associate Director for Administration.

[FR Doc. 2016–16944 Filed 7–18–16; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY920000. 16XL5017AR. L57000000.RB0000]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease WYW160587, Wyoming

AGENCY: Bureau of Land Management, Interior

ACTION: Notice.

SUMMARY: Anadarko E&P Onshore, LLC and WPX Energy Rocky Mountain, LLC have filed a petition for reinstatement of competitive oil and gas lease WYW160587, which is located in Campbell County, Wyoming. The petition was filed on time and consistent with the Mineral Leasing Act of 1920. The lessee has paid the required rentals accruing from the date of termination. No leases that affect these lands were issued before the petition was filed.

FOR FURTHER INFORMATION CONTACT: Chris Hite, Chief of Fluid Minerals Adjudication, Bureau of Land Management, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming, 82009; phone 307–775–6176; email *chite@blm.gov.* Persons who use a telecommunications device for the deaf may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact Mr. Hite during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: In connection with this lease reinstatement, the lessees agreed to the amended lease terms for rentals and royalties specified in the applicable regulations—$10 per acre, or fraction thereof, per year and 16 ⅔ percent, respectively. The lessees also agreed to the amended lease stipulations described in the associated Reinstatement Certification. The lessees paid the required $500 administrative fee and the $159 cost for publishing this notice. The lessees met the requirements for reinstatement of the lease per Sec. 31(d) and (e) of the Mineral Leasing Act of 1920. The BLM proposes to reinstate the lease effective February 1, 2015, under the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Chris Hite,

Chief, Branch of Fluid Minerals Adjudication.

[FR Doc. 2016–17023 Filed 7–18–16; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY920000. 16XL5017AR. L57000000.RB0000]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease WYW178491, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Hilcorp Energy I, L.P. has filed a petition for reinstatement of competitive oil and gas lease WYW178491, which is located in Crook County, Wyoming. The petition was filed on time and consistent with the Mineral Leasing Act of 1920. The lessee has paid the required rentals accruing from the date of termination. No leases that affect these lands were issued before the petition was filed.

FOR FURTHER INFORMATION CONTACT: Chris Hite, Chief of Fluid Minerals Adjudication, Bureau of Land Management, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming, 82009; phone 307–775–6176; email *chite@blm.gov.* Persons who use a telecommunications device for the deaf may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact Mr. Hite during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: In connection with this lease reinstatement, the lessee agreed to the amended lease terms for rentals and royalties specified in the applicable regulations—$10 per acre, or fraction thereof, per year and 16⅔ percent, respectively. The lessee also agreed to the amended lease stipulations described in the associated Reinstatement Certification. The lessee has paid the required $500 administrative fee and the $159 cost for publishing this notice. The lessee met the requirements for reinstatement of the lease under Sec. 31(d) and (e) of the Mineral Leasing Act of 1920. The BLM proposes to reinstate the lease effective January 1, 2013, pursuant to the applicable rental and royalty rate terms, as well as, any stipulation changes identified in the Reinstatement Certification.

Chris Hite,

Chief, Branch of Fluid Minerals Adjudication.

[FR Doc. 2016–17021 Filed 7–18–16; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LWO30100.PQ0000 L13400000]

Renewal of Approved Information Collection; OMB Control No. 1004–0132

AGENCY: Bureau of Land Management, Interior.

ACTION: 60-Day notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act, the Bureau of Land Management (BLM) invites public comments on, and plans to request approval to continue, the collection of information from those who wish to participate in the exploration, development, production, and utilization of geothermal resources on BLM-managed public lands, and on lands managed by other Federal agencies. The Office of Management and Budget (OMB) has assigned control number 1004–0132 to this information collection.

DATES: Please submit comments on the proposed information collection by September 19, 2016.

ADDRESSES: Comments may be submitted by mail, fax, or electronic mail.

Mail: U.S. Department of the Interior, Bureau of Land Management, 1849 C Street NW, Room 2134LM, Attention: Jean Sonneman, Washington, DC 20240.

Fax: to Jean Sonneman at 202–245–0050.

Electronic mail: Jean_Sonneman@blm.gov.

Please indicate "Attn: 1004–0132" regardless of the form of your comments.

FOR FURTHER INFORMATION CONTACT: John Kalish at 202–912–7312. Persons who use a telecommunication device for the deaf may call the Federal Information Relay Service at 1–800–877–8339, to leave a message for Mr. Kalish.

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR part 1320, which implement provisions of the Paperwork Reduction Act, 44 U.S.C. 3501–3521, require that interested members of the public and affected agencies be given an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8 (d) and 1320.12(a)). This notice identifies an information collection that the BLM plans to submit to OMB for approval. The Paperwork Reduction Act provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number.

Until OMB approves a collection of information, you are not obligated to respond.

The BLM will request a 3-year term of approval for this information collection activity. Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany our submission of the information collection requests to OMB.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

The following information pertains to this request:

Title: Geothermal Resource Leases and Unit Agreements (43 CFR parts 3200 and 3280).

OMB Control Number: 1004–0132.

Summary: The BLM collects the information in order to decide whether or not to approve geothermal resource leases and unit agreements, process nominations for geothermal lease sales, and monitor compliance with granted approvals.

Frequency of Collection: On occasion, except for the Monthly Report of Geothermal Operations (Form 3260–5), which is required monthly.

Forms:

- Form 3200–9, Notice of Intent to Conduct Geothermal Resource Exploration Operations;
- Form 3203–1, Nomination of Lands for Competitive Geothermal Leasing;
- Form 3260–2, Geothermal Drilling Permit;
- Form 3260–3, Geothermal Sundry Notice; and
- Form 3260–4; Geothermal Well Completion Report; and
- Form 3260–5; Monthly Report of Geothermal Operations.

Description of Respondents: Those who wish to participate in the exploration, development, production, and utilization of geothermal resources on BLM-managed by other Federal agencies.

Estimated Annual Responses: 908.

Estimated Annual Burden Hours: 5,404.

Estimated Annual Non-Hour Costs: $77,110.

The estimated burdens are itemized in the following table:

Type of response	Number of responses	Hours per response	Total hours (column B × column C)
A	B	C	D
Lessee Qualifications, 43 CFR subpart 3202	75	1	75
Nomination of Lands for Competitive Leasing, 43 CFR subpart 3203, Form 3203–1	80	1	80
Noncompetitive Leasing Other than Direct Use Leases, 43 CFR subpart 3204	50	4	200
Direct Use Leasing, 43 CFR subpart 3205	10	10	100
Lease Issuance, 43 CFR subpart 3206	155	1	155
Lease Terms and Extensions, 43 CFR subpart 3207	50	1	50
Lease Consolidation, 43 CFR subpart 3210	50	1	50
Lease Suspensions and Royalty Rate Reductions, 43 CFR subpart 3212	10	40	400
Lease Relinquishment, Termination, and Cancellation, 43 CFR subpart 3213	10	40	400
Lease Reinstatement, 43 CFR subpart 3213	5	1	5
Cooperative Agreement, 43 CFR subpart 3217	10	40	400
Notice of Intent to Conduct Geothermal Exploration Activities, 43 CFR subpart 3251, Form 3200–9	12	8	96
Geothermal Sundry Notice, 43 CFR subpart 3252, Form 3260–3	100	8	800
Reports: Exploration Operations, 43 CFR subpart 3253	12	8	96
Exploration Operations Relief and Appeals, 43 CFR subpart 3256	10	8	80
Geothermal Drilling Permit, 43 CFR subpart 3261, Form 3260–2	60	8	480
Geothermal Well Completion Report, 43 CFR subpart 3264, Form 3260–4	12	10	120
Utilization Plans and Facility Construction Permits, 43 CFR subpart 3272	10	10	100
Site License Application, 43 CFR subpart 3273	10	10	100
Relinquishment, Assignment, or Transfer of a Site License, 43 CFR subpart 3273	22	1	22
Commercial Use Permit, 43 CFR subpart 3274	10	10	100
Monthly Report of Geothermal Operations, 43 CFR subpart 3276, Form 3260–5	120	10	1200
Unit Agreement, 43 CFR subpart 3281	10	10	100
Participating Area, 43 CFR subpart 3282	10	10	100
Unit Agreement Modifications, 43 CFR subpart 3283	10	10	100
Totals	913	....	5,409

Jean Sonneman,

Bureau of Land Management, Information Collection Clearance Officer.

[FR Doc. 2016–17020 Filed 7–18–16; 8:45 am]

BILLING CODE 4310–84–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–964]

Certain Windscreen Wipers and Components Thereof; Notice of a Commission Determination Not To Review an Initial Determination Granting a Joint Motion To Terminate the Investigation Based on a Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 29) issued by the presiding administrative law judge (''ALJ'') granting a joint motion to terminate the investigation based on a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–3115. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) *at http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation under section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, on August 24, 2015, based on a complaint, as supplemented, filed by Trico Products Corporation of Rochester Hills, Michigan, alleging a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain windscreen wipers and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 6,836,925 and 6,799,348. 80 FR 51309 (Aug. 24, 2015). The respondents are Valeo North America, Inc. of Troy, Michigan, and Delmex de Juarez S. de R.L. de C.V. of Parque Industrial Intermex, Cd. Juarez, Chihuahua, Mexico. *Id.* The Office of Unfair Import Investigations is not participating in the investigation.

On May 27, 2016, complainant and respondents filed a joint motion to terminate this investigation in its entirety based on a settlement agreement.

On June 20, 2016, the ALJ issued an ID (Order No. 29), granting the motion for termination. The ALJ found that the joint motion complies with the Commission Rules and that termination of the investigation will not adversely affect the public interest. No party petitioned for review of the subject ID. The Commission has determined not to review the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By Order of the Commission.

Issued: July 13, 2016.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2016–17011 Filed 7–18–16; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Cambrex Charles City

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before September 19, 2016.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152. Comments and requests for hearings on applications to import raw material are not appropriate. 72 FR 3417 (January 25, 2007).

SUPPLEMENTARY INFORMATION:

The Attorney General has delegated her authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on May 5, 2016, Cambrex Charles City, 1205 11th Street, Charles City, Iowa 50616 applied to be registered as a bulk manufacturer the following basic classes of controlled substances:

Controlled Substance	Schedule
Amphetamine (1100)	II
Lisdexamfetamine (1205)	II
Methylphenidate (1724)	II
4-Anilino-N-phenethyl-4-piperidine (ANPP) (8333)	II
Phenylacetone (8501)	II
Cocaine (9041)	II
Codeine (9050)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Hydrocodone (9193)	II
Morphine (9300)	II
Oripavine (9330)	II
Thebaine (9333)	II
Opium extracts (9610)	II
Opium fluid extract (9620)	II
Opium tincture (9630)	II
Opium, powdered (9639)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II
Fentanyl (9801)	II

The company plans to manufacture the listed controlled substances in bulk for sale to its customers, for dosage form development, for clinical trials, and for use in stability qualification studies.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–17061 Filed 7–18–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Rhodes Technologies

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before August 18, 2016. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before August 18, 2016.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152. Comments and requests for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417, (January 25, 2007).

SUPPLEMENTARY INFORMATION: The Attorney General has delegated her authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control ("Deputy Assistant Administrator") pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on March 25, 2016, Rhodes Technologies, 498 Washington Street, Coventry, Rhode Island 02816 applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Schedule
Tetrahydrocannabinols (7370)	I
Methylphenidate (1724)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Hydrocodone (9193)	II
Morphine (9300)	II
Oxymorphone (9652)	II
Opium, raw (9600)	II
Poppy Straw Concentrate (9670)	II

The company plans to import opium, raw (9600) and poppy straw concentrate (9670) in order to bulk manufacture controlled substances in Active Pharmaceutical Ingredient (API) form. The company distributes the manufactured APIs in bulk to its customers. The company plans to import the other listed controlled substances for internal reference standards use only. The comparisons of foreign reference standards to the company's domestically manufacture API will allow the company to export domestically manufacture API to foreign markets.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2016–17062 Filed 7–18–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Bureau of Prisons

Annual Determination of Average Cost of Incarceration

AGENCY: Bureau of Prisons, Justice.

ACTION: Notice.

SUMMARY: The fee to cover the average cost of incarceration for Federal inmates in Fiscal Year 2015 was $31,977.65 ($87.61 per day). (**Please note:** There were 365 days in FY 2015.) The average annual cost to confine an inmate in a Residential Re-entry Center for Fiscal Year 2015 was $26,082.90 ($71.46 per day).

DATES: *Effective Date:* July 19, 2016.

ADDRESSES: Office of General Counsel, Federal Bureau of Prisons, 320 First St. NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Sarah Qureshi, (202) 307–2105.

SUPPLEMENTARY INFORMATION: 28 CFR part 505 allows for assessment and collection of a fee to cover the average cost of incarceration for Federal inmates. We calculate this fee by dividing the number representing Bureau of Prisons facilities' monetary obligation (excluding activation costs) by the number of inmate-days incurred for the preceding fiscal year, and then by multiplying the quotient by 365. Under § 505.2, the Director of the Bureau of Prisons determined that, based upon fiscal year 2015 data, the fee to cover the average cost of incarceration for Federal inmates in Fiscal Year 2015 was $31,977.65 ($87.61 per day). (**Please note:** There were 365 days in FY 2015.) The average annual cost to confine an inmate in a Residential Re-entry Center for Fiscal Year 2015 was $26,082.90 ($71.46 per day).

Kathleen M. Kenney,

Assistant Director/General Counsel, Federal Bureau of Prisons.

[FR Doc. 2016–17040 Filed 7–18–16; 8:45 am]

BILLING CODE 4410–05–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2016–041]

Privacy Act of 1974, as Amended; System of Records Notice

AGENCY: National Archives and Records Administration (NARA).

ACTION: Privacy Act system of records notice (SORN) of a new system, NARA 45; Withdrawal.

SUMMARY: The National Archives and Records Administration (NARA) published notice in the **Federal Register** on June 8, 2016 (81 FR 36959) of a proposed new system of records subject to the Privacy Act of 1974, as amended (5 U.S.C. 552(a)) ("Privacy Act"). The new system was NARA 45, Insider Threat Program records. In addition, NARA updated Appendix B to add the SORN's system manager to the list of system managers and their addresses. The system of records notice (SORN) included a comment period ending on July 8, 2016, and an automatic effective date of July 18, 2016. However, NARA is now withdrawing this SORN due to changes in the scope of the system and it will no longer be effective. We will reissue the SORN once we have revised it.

DATES: This withdrawal notice is effective July 18, 2016.

ADDRESSES: National Archives and Records Administration; Regulations Comment Desk, Suite 4100; 8601 Adelphi Road; College Park, MD 20740.

FOR FURTHER INFORMATION CONTACT: Kimberly Keravuori, External Policy Program Manager, by email at *regulation_comments@nara.gov*, or by telephone at 301–837–3151.

Kimberly Keravuori,

External Policy Program Manager.

[FR Doc. 2016–17146 Filed 7–18–16; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL WOMEN'S BUSINESS COUNCIL

Quarterly Public Meeting

AGENCY: National Women's Business Council.

ACTION: Notice of open public meeting.

DATES: The Public Meeting will be held on Tuesday, August 2nd, 2016 from 9:30 a.m. to 11:30 a.m. EST.

ADDRESSES: The meeting will be held in Atlanta, GA. Location details will be provided upon RSVP, as will information about teleconferencing and livestream options.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), the U.S. Small Business Administration (SBA) announces the meeting of the National Women's Business Council. The National Women's Business Council conducts research on issues of importance and impact to women entrepreneurs and makes policy recommendations to the SBA, Congress, and the White House on how to improve the business climate for women.

This meeting is the 4th quarter meeting for Fiscal Year 2016. The program will include remarks from the Council Chair, Carla Harris; updates on research projects in progress, including: Women's participation in corporate supplier diversity programs, women's participation in accelerators and incubators, entrepreneurial ecosystems, and an upcoming report on the entrepreneurship amongst black women project; a recap of the Council's recent engagement efforts; and an announcement of the Council's FY2017 research portfolio. Time will be reserved at the end for audience participants to address Council Members directly with questions, comments, or feedback. Additional speakers will be promoted upon confirmation.

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public however advance notice of attendance is requested. To RSVP and confirm attendance, the general public should email *info@nwbc.gov* with subject line—"RSVP for 8/02 Public Meeting". Anyone wishing to make a presentation to the NWBC at this meeting must either email their interest to *info@nwbc.gov* or call the main office number at 202–205–3850.

For more information, please visit the National Women's Business Council Web site at *www.nwbc.gov.*

Dated: July 8, 2016.

Miguel J. L'Heureux,

SBA Committee Management Officer.

[FR Doc. 2016–16983 Filed 7–18–16; 8:45 am]

BILLING CODE P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0141]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from June 21, 2016, to July 1, 2016. The last biweekly notice was published on July 5, 2016 (81 FR 43646).

DATES: Comments must be filed by August 18, 2016. A request for a hearing must be filed by September 19, 2016.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID: NRC–2016–0141. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: OWFN–12–H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Lynn Ronewicz, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–1927, email: *Lynn.Ronewicz@nrc.gov.*

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID: NRC–2016–0141 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID: NRC–2016–0141.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select "*ADAMS Public Documents*" and then select "*Begin Web-based ADAMS Search.*" For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2016–0141, facility name, unit number(s), application date, and subject in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov,* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in § 50.92 of title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Agency Rules of Practice and Procedure" in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a hearing or petition for leave to intervene is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC regulations, policies and procedures.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii). If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by September 19, 2016. The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document, and should meet the requirements for petitions for leave to intervene set forth in this section, except that under § 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may also have the opportunity to participate under 10 CFR 2.315(c).

If a hearing is granted, any person who does not wish, or is not qualified, to become a party to the proceeding may, in the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of position on the issues, but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by September 19, 2016.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's "Guidance for Electronic Submission," which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the "Contact Us" link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, in some instances, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the "Obtaining Information and Submitting Comments" section of this document.

Duke Energy Florida, Inc., et al., Docket No. 50–302, Crystal River Unit 3 Nuclear Generating Plant (CR–3), Citrus County, Florida

Date of amendment request: May 25, 2016. A publicly available version is in ADAMS under Accession No. ML16146A639.

Description of amendment request: The amendment would replace the CR–3 Permanently Defueled Emergency Plan and its associated Emergency Action Level (EAL) Bases Manual with the Independent Spent Fuel Storage Installation (ISFSI)-Only Emergency Plan (IOEP) and its associated EAL Bases Manual. This IOEP will be used at CR–3 after all spent fuel has been transferred to the CR–3 ISFSI.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed amendment would modify the CR–3 facility operating license by revising the emergency plan and revising the EAL scheme. CR–3 has permanently ceased operation and is permanently defueled. The proposed amendment is conditioned on all spent nuclear fuel being removed from wet storage in the spent fuel pools and placed in dry storage within the ISFSI. Occurrence of postulated accidents associated with spent fuel stored in a spent fuel pool is no longer credible in a spent fuel pool devoid of such fuel. The proposed amendment has no effect on plant systems, structures, or components (SSC) and no effect on the capability of any plant SSC to perform its design function. The proposed amendment would not increase the likelihood of the malfunction of any plant SSC. The proposed amendment would have no effect on any of the previously evaluated accidents in the CR–3 Final Safety Analysis Report.

Since CR–3 has permanently ceased operation, the generation of fission products has ceased and the remaining source term continues to decay. This continues to significantly reduce the consequences of previously evaluated postulated accidents. Therefore, the proposed amendment does not involve a significant increase in the consequences of a previously evaluated accident.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed amendment constitutes a revision of the emergency planning function commensurate with the ongoing and anticipated reduction in radiological source term at CR–3.

The proposed amendment does not involve a physical alteration of the plant. No new or different types of equipment will be installed and there are no physical modifications to existing equipment as a result of the proposed amendment. Similarly, the proposed amendment would not physically change any SSC involved in the mitigation of any postulated accidents. Thus, no new initiators or precursors of a new or different kind of accident are created. Furthermore, the proposed amendment does not create the possibility of a new failure mode associated with any equipment or personnel failures. The credible events for the ISFSI remain unchanged.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Because the 10 CFR part 50 license for CR–3 no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel, as specified in 10 CFR 50.82(a)(2), the occurrence of postulated accidents associated with reactor operation is no longer credible. With all spent nuclear fuel transferred out of wet storage from the spent fuel pools and placed in dry storage within the ISFSI, a fuel handling accident is no longer credible. There are no longer credible events that would result in radiological releases beyond the site boundary exceeding the EPA [Environmental Protection Agency] Protective Action Guide exposure levels, as detailed in the EPA's "Protective Action Guide and Planning Guidance for Radiological Incidents," Draft for Interim Use and Public Comment dated March 2013 (PAG [Protective Action Guide] Manual).

The proposed amendment does not involve a change in the plant's design, configuration, or operation. The proposed amendment does not affect either the way in which the plant structures, systems, and components perform their safety function or their design margins. Because there is no change to the physical design of the plant, there is no change to these margins.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lara S. Nichols, 550 South Tryon Street, Charlotte, NC 28202.

NRC Branch Chief: Bruce A. Watson.

Energy Northwest, Docket No. 50–397, Columbia Generating Station, Benton County, Washington

Date of amendment request: May 10, 2016, as supplemented by letter dated May 18, 2016. Publicly-available versions are in ADAMS under Accession Nos. ML16131A891 and ML16139A161, respectively.

Description of amendment request: The amendment would revise the safety function lift and lower setpoint tolerances of the safety/relief valves (SRVs) that are listed in Surveillance Requirements 3.4.3.1 and 3.4.4.1 of the Technical Specifications (TSs).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

This proposed amendment has no influence on the probability or consequences of any accident previously evaluated. The lower safety setpoint tolerance change does not affect the operation of the SRVs and it does not affect the as-left setpoint tolerance band which is unchanged at ±3% of the lift setpoint of the SRVs. The change only affects the lower tolerance for opening of the SRVs. The proposed amendment does not affect the upper tolerance for SRVs safety setpoints, which is the limit that protects from overpressurization.

The proposed amendment does not involve any physical changes to the SRVs, nor does it change the safety function of the SRVs. The proposed TS revision involves no significant changes to the operation of any systems or components in normal or accident operating conditions as discussed in the technical evaluation for this [license amendment request]. Additionally, the proposed change does not involve any significant changes to existing structures, systems, or components.

The proposed amendment does not change any other behavior or operation of the SRVs, and, therefore, has no significant impact on reactor operation. It also has no significant impact on response to any perturbation of reactor operation including transients and accidents previously analyzed in the [Final Safety Analysis Report (FSAR)].

Therefore, the proposed amendment does not result in a significant increase in the probability or consequences of any previously evaluated accident.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change from −3% to −5% for the SRV safety setpoint lower tolerance only affects the criteria to determine when an as-found SRV test is considered acceptable. The proposed change does not affect the criteria for the setpoint upper tolerance for the SRVs.

The proposed change from −3% to −5% for the SRV safety setpoint lower tolerance does not adversely affect the operation of any safety-related components or equipment. Since the proposed amendment does not involve any hardware changes, significant changes to the operation of any systems or components, nor change to existing structures, systems, or components, there is no possibility that a new or different kind of accident is created.

The proposed change from −3% to −5% for the SRV safety setpoint lower tolerance does not involve any physical changes to the SRVs, nor does it change the safety function of the SRVs. The proposed change does not require any physical change or alteration of any existing plant equipment. No new or different equipment is being installed. No installed equipment is being operated in a new or different manner. There is no alteration to the parameters within which the plant is normally operated. This change does not alter the manner in which equipment operation is initiated, nor will the functional demands on credited equipment be changed. No alterations in the procedures that ensure the plant remains within analyzed limits are being proposed. No changes are being made to the procedures relied upon to respond to off-normal events as described in the FSAR are being proposed by this change. The proposed change does not alter assumptions made in the safety analysis and licensing basis.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change from −3% to −5% for the SRV safety setpoint lower tolerance only affects the criteria to determine when an as-found SRV test is considered acceptable. This change does not affect the criteria for the SRV safety setpoint upper tolerance. The TS setpoints for the SRVs are not changed. The as-left setpoint tolerances are not changed by the proposed amendment and remain at ±3%.

The margin of safety is established through the design of the plant structures, systems, and components, the parameters within which the plant is operated, and the establishment of the setpoints for the actuation of equipment relied upon to respond to an event. The proposed change from −3% to −5% for the SRV safety setpoint lower tolerance does not significantly impact the condition or performance of structures, systems, and components relied upon for accident mitigation.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William A. Horin, Esq., Winston & Strawn, 1700 K Street NW., Washington, DC 20006–3817.

NRC Branch Chief: Robert J. Pascarelli.

Exelon Generation Company, LLC and PSEG Nuclear LLC, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units 2 and 3, York and Lancaster Counties, Pennsylvania

Date of amendment request: June 20, 2016. A publicly available version is in ADAMS under Accession No. ML16173A371.

Description of amendment request: The amendments would revise the Technical Specification (TS) requirements associated with the storage inventory of lube oil for the emergency diesel generators (EDGs). Specifically, the TS volume requirements for stored EDG lube oil (currently specified in number of gallons) would be replaced with volume requirements based on EDG operating time (specified in number of days). The volume requirements, specified in number of gallons, along with the equivalent number of days of EDG operating time, would be included in the TS Bases. As such, the amendments would allow the licensee to make changes to the number of gallons using the provisions of 10 CFR 50.59, consistent with the TS Bases Control Program specified in TS 5.5.10. The proposed changes are based on Revision 1 to Technical Specification Task Force (TSTF) Improved Standard Technical Specifications Change Traveler TSTF–501, "Relocate Stored Fuel Oil and Lube Oil Volume Values to Licensee Control."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change relocates the volume of diesel lube oil required to support 7-day operation of each onsite diesel generator, and the volume equivalent to a 6-day supply, to licensee control. The specific volume of lube oil equivalent to a 7-day and 6-day supply is based on the diesel generator manufacturer's consumption values for the run time of the diesel generator. Because the requirement to maintain a 7-day supply of diesel lube oil is not changed and is consistent with the assumptions in the accident analyses, and the actions taken when the volume of lube oil is less than a 6-day supply have not changed, neither the probability nor the consequences of any accident previously evaluated will be affected.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The change does not involve a physical alteration of the plant (*i.e.*, no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. The change does not alter assumptions made in the safety analysis but ensures that each diesel generator operates as assumed in the accident analysis. The proposed change is consistent with the safety analysis assumptions. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change relocates the volume of diesel lube oil required to support 7-day operation of each onsite diesel generator, and the volume equivalent to a 6-day supply, to licensee control. As the bases for the existing limits on diesel lube oil are not changed, no change is made to the accident analysis assumptions and no margin of safety is reduced as part of this change.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Rd., Warrenville, IL 60555.

NRC Branch Chief: Douglas A. Broaddus.

Exelon Generation Company, LLC, Docket No. 50–219, Oyster Creek Nuclear Generating Station (OCNGS), Ocean County, New Jersey

Date of amendment request: May 17, 2016. A publicly-available version is in ADAMS under Accession No. ML16138A129.

Description of amendment request: The proposed amendment would revise OCNGS's Technical Specification (TS) Section 6.0, "Administrative Controls."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, with NRC edits in [brackets], which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes would not take effect until OCNGS has permanently ceased operation and entered a permanently defueled condition. The proposed changes would revise the OCNGS TS by deleting or modifying certain portions of the TS administrative controls described in Section 6.0 of the TS that are no longer applicable to a permanently shutdown and defueled facility.

The proposed changes do not involve any physical changes to plant Structures, Systems, and Components (SSCs) or the manner in which SSCs are operated, maintained, modified, tested, or inspected. The proposed changes do not involve a change to any safety limits, limiting safety system settings, limiting control settings, limiting conditions for operation, surveillance requirements, or design features.

The deletion and modification of provisions of the administrative controls do not directly affect the design of SSCs necessary for safe storage of spent irradiated fuel or the methods used for handling and storage of such fuel in the Spent Fuel Pool (SFP). The proposed changes are administrative in nature and do not affect any accidents applicable to the safe management of spent irradiated fuel or the permanently shutdown and defueled condition of the reactor.

In a permanently defueled condition, the only credible accidents are the Fuel Handling Accident (FHA), Radioactive Liquid Waste System Leak, and Postulated Radioactive Releases Due to Liquid Tank Failures. Other accidents such as Loss of Coolant Accident, Loss of Feedwater, and Reactivity and Power Distribution Anomalies will no longer be applicable to a permanently defueled reactor plant.

The probability of occurrence of previously evaluated accidents is not increased, since extended operation in a permanently defueled condition will be the only operation allowed, and therefore, bounded by the existing analyses. Additionally, the occurrence of postulated accidents associated with reactor operation is no longer credible in a permanently defueled reactor. This significantly reduces the scope of applicable accidents.

Therefore, the proposed changes do not involve a significant increase in the probability or consequence of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes to delete and/or modify certain TS administrative controls have no impact on facility SSCs affecting the safe storage of spent irradiated fuel, or on the methods of operation of such SSCs, or on the handling and storage of spent irradiated fuel itself. The proposed changes do not result in different or more adverse failure modes or accidents than previously evaluated because the reactor will be permanently shut down and defueled and OCNGS will no longer be authorized to operate the reactor.

The proposed changes do not affect systems credited in the accident analysis for the FHA, Radioactive Liquid Waste System Leak, and Postulated Radioactive Releases Due to Liquid Tank Failures at OCNGS. The proposed changes will continue to require proper control and monitoring of safety significant parameters and activities. The proposed changes do not result in any new mechanisms that could initiate damage to the remaining relevant safety barriers in support of maintaining the plant in a permanently shutdown and defueled condition (*e.g.*, fuel cladding and SFP cooling). Since extended operation in a defueled condition will be the only operation allowed, and therefore bounded by the existing analyses, such a condition does not create the possibility of a new or different kind of accident.

The proposed changes do not alter the protection system design, create new failure modes, or change any modes of operation. The proposed changes do not involve a physical alteration of the plant, and no new or different kind of equipment will be installed. Consequently, there are no new initiators that could result in a new or different kind of accident.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes involve deleting and/or modifying certain TS administrative controls once the OCNGS facility has been permanently shutdown and defueled. As specified in 10 CFR 50.82(a)(2), the 10 CFR 50 license for OCNGS will no longer authorize operation of the reactor or emplacement or retention of fuel into the reactor vessel following submittal of the certifications required by 10 CFR 50.82(a)(1). As a result, the occurrence of certain design basis postulated accidents are no longer considered credible when the reactor is permanently defueled.

The only remaining credible accident is a fuel handling accident (FHA). The proposed changes do not adversely affect the inputs or assumptions of any of the design basis analyses that impact the FHA.

The proposed changes are limited to those portions of the TS administrative controls that are related to the safe storage and maintenance of spent irradiated fuel. The requirements that are proposed to be revised and/or deleted from the OCNGS TS are not credited in the existing accident analysis for the remaining applicable postulated accident (*i.e.*, FHA); therefore, they do not contribute to the margin of safety associated with the accident analysis. Certain postulated DBAs [design-basis accidents] involving the reactor are no longer possible because the reactor will be permanently shut down and defueled and OCNGS will no longer be authorized to operate the reactor.

Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Acting Branch Chief: Shaun M. Anderson.

Luminant Generation Company LLC, Docket Nos. 50–445 and 50–446, Comanche Peak Nuclear Power Plant, Units 1 and 2, Somervell County, Texas

Date of amendment request: April 27, 2016. A publicly available version is in

ADAMS under Accession No. ML16120A432.

Description of amendment request: The amendments would revise the Technical Specifications (TSs) by eliminating Section 5.5.8, ''Inservice Testing Program,'' and adding a new defined term, ''Inservice Testing Program,'' to the TS Definitions section. The proposed amendments are consistent with Technical Specification Task Force (TSTF) Traveler TSTF–545, Revision 3, ''TS Inservice Testing Program Removal & Clarify SR [Surveillance Requirement] Usage Rule Application to Section 5.5 Testing,'' dated October 21, 2015 (ADAMS Accession No. ML15294A555).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises TS Chapter 5, ''Administrative Controls,'' Section 5.5, ''Programs and Manuals,'' by eliminating the ''Inservice Testing Program'' specification. Most requirements in the Inservice Testing Program are removed, as they are duplicative of requirements in the [American Society of Mechanical Engineers (ASME) Operations and Maintenance (OM) Code], as clarified by Code Case OMN–20, ''Inservice Test Frequency.'' The remaining requirements in the Section 5.5.8 [Inservice Testing (IST)] Program are eliminated because the NRC has determined their inclusion in the TS is contrary to regulations. A new defined term, ''Inservice Testing Program,'' is added to the TS, which references the requirements of 10 CFR 50.55a(f).

Performance of inservice testing is not an initiator to any accident previously evaluated. As a result, the probability of occurrence of an accident is not significantly affected by the proposed change. Inservice test frequencies under Code Case OMN–20 are equivalent to the current testing period allowed by the TS with the exception that testing frequencies greater than 2 years may be extended by up to 6 months to facilitate test scheduling and consideration of plant operating conditions that may not be suitable for performance of the required testing. The testing frequency extension will not affect the ability of the components to mitigate any accident previously evaluated as the components are required to be operable during the testing period extension. Performance of inservice tests utilizing allowances in OMN–20 will not significantly affect the reliability of the tested components. As a result, the availability of the affected components, as well as their ability to mitigate the consequences of accidents previously evaluated, is not affected.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not alter the design or configuration of the plant. The proposed change does not involve a physical alteration of the plant; no new or different kind of equipment will be installed. The proposed change does not alter the types of inservice testing performed. In most cases, the frequency of inservice testing is unchanged. However, the frequency of testing would not result in a new or different kind of accident from any previously evaluated since the testing methods are not altered.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change eliminates some requirements from the TS in lieu of requirements in the ASME Code, as modified by use of Code Case OMN–20. Compliance with the ASME Code is required by 10 CFR 50.55a. The proposed change also allows inservice tests with frequencies greater than 2 years to be extended by 6 months to facilitate test scheduling and consideration of plant operating conditions that may not be suitable for performance of the required testing. The testing frequency extension will not affect the ability of the components to respond to an accident as the components are required to be operable during the testing period extension. The proposed change will eliminate existing TS SR 3.0.3 allowance to defer performance of missed inservice tests up to the duration of the specified testing frequency, and instead will require an assessment of the missed test on equipment operability. This assessment will consider the effect on a margin of safety (equipment operability). Should the component be inoperable, the Technical Specifications provide actions to ensure that the margin of safety is protected. The proposed change also eliminates a statement that nothing in the ASME Code should be construed to supersede the requirements of any TS. The NRC has determined that statement to be incorrect. However, elimination of the statement will have no effect on plant operation or safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Timothy P. Matthews, Esq., Morgan, Lewis and Bockius, 1111 Pennsylvania Avenue NW., Washington, DC 20004.

NRC Branch Chief: Robert J. Pascarelli.

NextEra Energy Seabrook LLC, Docket No. 50–443, Seabrook Station, Unit No. 1, Rockingham County, New Hampshire

Date of amendment request: March 31, 2016, as supplemented by letter dated May 31, 2016. Publicly-available versions are in ADAMS under Accession Nos. ML16095A278 and ML16159A194, respectively.

Description of amendment request: The amendment would revise Technical Specification (TS) 6.15, ''Containment Leakage Rate Testing Program,'' to require a program that is in accordance with Nuclear Energy Institute (NEI) Topical Report NEI 94–01, Revision 3–A, ''Industry Guideline for Implementing Performance-Based Option of 10 CFR part 50, Appendix J'' (ADAMS Accession No. ML12221A202). The proposed change would allow extension of the Type A test interval up to one test in 15 years, and extension of the Type C test interval up to 75 months, based on acceptable performance history as defined in NEI 94–01, Revision 3–A.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment adopts the NRC-accepted guidelines of NEI 94–01, Revision 3–A, ''Industry Guideline for Implementing Performance-Based Option of 10 CFR part 50, Appendix J,'' for development of the Seabrook performance-based containment testing program. NEI 94–01 allows, based on risk and performance, an extension of Type A and Type C containment leak test intervals. Implementation of these guidelines continues to provide adequate assurance that during design basis accidents, the primary containment and its components will limit leakage rates to less than the values assumed in the plant safety analyses.

The findings of the Seabrook risk assessment confirm the general findings of previous studies that the risk impact with extending the containment leak rate is small. Per the guidance provided in Regulatory Guide 1.174, an extension of the leak test interval in accordance with NEI 94–01, Revision 3–A results in an estimated change within the small change region.

Since the change is implementing a performance-based containment testing program, the proposed amendment does not involve either a physical change to the plant or a change in the manner in which the plant is operated or controlled. The requirement for containment leakage rate acceptance will not be changed by this amendment. Therefore, the containment will continue to perform its design function as a barrier to fission product releases.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

The proposed change to implement a performance-based containment testing program, associated with integrated leakage rate test frequency, does not change the design or operation of structures, systems, or components of the plant.

The proposed changes would continue to ensure containment integrity and would ensure operation within the bounds of existing accident analyses. There are no accident initiators created or affected by these changes. Therefore, the proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in the margin of safety?

Response: No.

Margin of safety is related to confidence in the ability of the fission product barriers (fuel cladding, reactor coolant system, and primary containment) to perform their design functions during and following postulated accidents. The proposed change to implement a performance-based containment testing program, associated with integrated leakage rate test frequency, does not affect plant operations, design functions, or any analysis that verifies the capability of a structure, system, or component of the plant to perform a design function. In addition, this change does not affect safety limits, limiting safety system setpoints, or limiting conditions for operation.

The specific requirements and conditions of the TS Containment Leakage Rate Testing Program exist to ensure that the degree of containment structural integrity and leak-tightness that is considered in the plant safety analysis is maintained. The overall containment leak rate limit specified by TS is maintained. This ensures that the margin of safety in the plant safety analysis is maintained. The design, operation, testing methods and acceptance criteria for Type A, B, and C containment leakage tests specified in applicable codes and standards would continue to be met, with the acceptance of this proposed change, since these are not affected by implementation of a performance-based containment testing program.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William Blair, Managing Attorney—Nuclear, Florida Power & Light Company, P.O. Box 14000, Juno Beach, FL 33408–0420.

NRC Branch Chief: Douglas A. Broaddus.

PSEG Nuclear LLC, Docket No. 50–354, Hope Creek Generating Station, Salem County, New Jersey

Date of amendment request: May 11, 2016. A publicly-available version is in ADAMS under Accession No. ML16132A374.

Description of amendment request: The amendment would revise Technical Specification (TS) requirements by deleting TS Action Statement 3.4.2.1.b concerning stuck open safety/relief valves.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed TS change deletes Action Statement 3.4.2.1.b concerning safety/relief valves. The two (2) minute action represents detailed methods of responding to an event, and therefore, if eliminated, would not result in increasing the probability of the event, nor act as an initiator of an event. Limiting condition for operation 3.6.2.1, "Depressurization Systems—Suppression Chamber," and plant procedures provide operators with appropriate direction for response to a suppression pool high temperature (which could be caused by a stuck open relief valve). Providing specific direction to close the valve within two (2) minutes does not provide additional plant protection beyond what is provided for in plant procedures and TS 3.6.2.1.

Therefore, this action can be eliminated, and will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed TS change deletes Action Statement 3.4.2.1.b concerning safety/relief valves. This change does not change the design or configuration of the plant. No new operation or failure modes are created, nor is a system-level failure mode created that is different than those that already exist.

Therefore, it is concluded that this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No.

The proposed change does not involve a significant reduction in a margin of safety, nor does it affect any analytical limits. There are no changes to accident or transient core thermal hydraulic conditions, or fuel or reactor coolant boundary design limits, as a result of the proposed change. The proposed change will not alter the assumptions or results of the analysis contained in the Updated Final Safety Analysis Report (UFSAR).

Therefore, it is concluded that the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jeffrie J. Keenan, PSEG Nuclear LLC–N21, P.O. Box 236, Hancocks Bridge, NJ 08038.

NRC Branch Chief: Douglas A. Broaddus.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: May 17, 2016. A publicly-available version is in ADAMS under Accession No. ML16138A431.

Description of amendment request: The amendment request proposes changes to the Updated Final Safety Analysis Report (UFSAR) in the form of departures from the incorporated plant-specific Design Control Document (DCD) Tier 2 information and involves changes to related Tier 1 information, with corresponding changes to the associated Combined License (COL) Appendix C information. Pursuant to the provisions of 10 CFR 52.63(b)(1), an exemption from elements of the design as certified in the 10 CFR part 52, Appendix D, "Design Certification Rule for the AP1000 Design," is also requested for the plant-specific DCD Tier 1 material departures. Specifically, the requested amendment proposes changes to the concrete wall thickness tolerance for the column line N wall, from column lines 2 to 4 from elevation 100′–0″ to 135′–3″, from plus or minus 1 inch to plus 4 inches.

Basis for proposed no significant hazards consideration determination:

As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

As indicated in the UFSAR Subsection 3.8.4.1.2, the auxiliary building contains structural modules in the south side of the building that include the spent fuel pool, fuel transfer canal, and cask loading and washdown pits. The increase in tolerance associated with the concrete thickness of the concrete wall for the column line N from column line 2 to 4 and the deviation from ACI 349–01 does not involve any accident initiating components or events, thus leaving the probabilities of an accident unaltered. The increased tolerance does not adversely affect any safety-related structures or equipment nor does the increased tolerance reduce the effectiveness of a radioactive material barrier. Thus, the proposed changes would not affect any safety-related accident mitigating function served by the containment internal structures.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed tolerance increase and code deviation from ACI 349–01 does not change the performance of the affected radiologically controlled portion of the auxiliary building. As demonstrated by the continued conformance to the other applicable codes and standards governing the design of the structures, and in conjunction with the analysis of a special system of construction in accordance with ACI 349–01 Section 1.4, the wall with an increased concrete thickness tolerance continues to withstand the same effects as previously evaluated. There is no change to the design function of the affected module and wall, and no new failure mechanisms are identified as the same types of accidents are presented to the wall before and after the change.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change to increase the concrete thickness tolerance for the column line N wall from column line 2 to 4 identified in COL Appendix C Table 3.3–1 does not alter any design function, design analysis, or safety analysis input or result, and sufficient margin exists to justify departure from the ACI 349–01 requirements for the wall. As such, because the system continues to respond to design basis accidents in the same manner as before without any changes to the expected response of the structure, no safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes. Accordingly, no safety margin is reduced by the increase of the wall concrete thickness tolerance.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Acting Branch Chief: Jennifer Dixon-Herrity.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: May 5, 2016. A publicly-available version is in ADAMS under Accession No. ML16126A276.

Description of amendment request: The proposed changes would revise the Combined Licenses (COLs) concerning the design details of the safety-related passive core cooling system (PXS), the nonsafety-related normal residual heat removal system (RNS), and the nonsafety-related containment air filtration system (VFS). The amendment request proposes changes to the Updated Final Safety Analysis Report (UFSAR) in the form of departures from the plant-specific Design Control Document (DCD) Tier 2 information and involves changes to related plant-specific DCD Tier 1 information, with corresponding changes to the associated COL Appendix C information. Because this proposed change would require a departure from Tier 1 information in the Westinghouse Advanced Passive 1000 DCD, the licensee also requests an exemption from the requirements of the Generic DCD Tier 1 in accordance with 10 CFR 52.63(b)(1).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes do not affect the operation of any systems or equipment that initiate an analyzed accident or alter any structures, systems, and components (SSCs) accident initiator or initiating sequence of events. The proposed changes result from identifying PSX, RNS, and VFS piping lines required to be described in the licensing basis as ASME [American Society of Mechanical Engineers] Code Section III, evaluated to meet the LBB [leak-before-break] design criteria, or designed to withstand combined normal and seismic design basis loads without a loss of functional capability. Neither planned or inadvertent operation nor failure of the PXS, RNS, or VFS is an accident initiator or part of an initiating sequence of events for an accident previously evaluated. Therefore, the probabilities of the accidents evaluated in the UFSAR are not affected.

The proposed changes do not have an adverse impact on the ability of the PXS, RNS, or VFS to perform their design functions. The design of the PXS, RNS, and VFS continues to meet the same regulatory acceptance criteria, codes, and standards as required by the UFSAR. In addition, the changes ensure that the capabilities of the PXS, RNS, and VFS to mitigate the consequences of an accident meet the applicable regulatory acceptance criteria, and there is no adverse effect on any safety-related SSC or function used to mitigate an accident. The changes do not affect the prevention and mitigation of other abnormal events, *e.g.*, anticipated operational occurrences, earthquakes, floods and turbine missiles, or their safety or design analyses. Therefore, the consequences of the accidents evaluated in the UFSAR are not affected.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not affect the operation of any systems or equipment that may initiate a new or different kind of accident, or alter any SSC such that a new accident initiator or initiating sequence of events is created. The proposed changes result from identifying PXS, RNS, and VFS piping lines required to be described in the licensing basis as ASME Code Section III, evaluated to meet the LBB design criteria, or designed to withstand combined normal and seismic design basis loads without a loss of functional capability. These proposed changes do not adversely affect any other PXS, RNS, VFS, or SSC design functions or methods of operation in a manner that results in a new failure mode, malfunction, or sequence of events that affect safety-related or nonsafety-related equipment. Therefore, this activity does not allow for a new fission product release path, result in a new fission product barrier failure mode, or create a new sequence of events that results in significant fuel cladding failures.

Therefore, the requested amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes maintain existing safety margins. The proposed changes ensure that PXS, RNS, and VFS design requirements and design functions are met. The proposed changes maintain existing safety margin through continued application of the existing requirements of the UFSAR, while adding additional design features to ensure the PXS, RNS, and VFS perform the design functions required to meet the existing safety margins. Therefore, the proposed changes satisfy the same design functions in accordance with the same codes and standards as stated in the UFSAR. These changes do not adversely affect any design code, function, design analysis, safety analysis input or result, or design/safety margin. Because no safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes, no margin of safety is reduced.

Therefore, the requested amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Acting Branch Chief: Jennifer Dixon-Herrity.

STP Nuclear Operating Company (STPNOC), Docket No. 50–498, South Texas Project (STP), Unit 1, Matagorda County, Texas

Date of amendment request: April 7, 2016, as supplemented by letter dated May 25, 2016. Publicly-available versions are in ADAMS under Accession Nos. ML16110A297 and ML16162A196, respectively.

Description of amendment request: The amendment would revise Technical Specification 5.3.2 for STP, Unit 1, to allow permanent operation with 56 full-length control rods with no control rod assembly in core location D–6.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

STPNOC has performed a multi-cycle assessment on previous Unit 1 reactor cores and evaluated the consequences associated with removal of Control Rod D–6. The assessment indicates that removal of Control Rod D–6 does impact reactivity parameters (*e.g.*, shutdown margin and trip reactivity); however, sufficient margin exists to ensure the Updated Final Safety Analysis Report (UFSAR) accident analysis limits continue to be met. The physical changes associated with the removal of Control Rod D–6 do not impact the probability of occurrence of a previously evaluated accident. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

Operation of STP Unit 1 with Control Rod D–6 removed will not create the possibility of a new or different kind of accident from any accident previously evaluated. To preserve the reactor coolant system flow characteristics in the reactor core, a flow restrictor will be installed at the top of the D–6 guide tube housing. Installation of this component will not prevent the remaining 56 control rods from performing the required design function of providing adequate shutdown margin. No new operator actions are created as a result of the proposed change. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

Operation of STP Unit 1 with Control Rod D–6 removed will not involve a significant reduction in a margin of safety. The margin of safety is established by setting safety limits and operating within those limits. The proposed change does not alter a UFSAR design basis or safety limit and does not change any setpoint at which automatic actuations are initiated. STPNOC will continue to confirm all safety analysis limits remain bounding on a cycle-specific basis using an NRC-approved Westinghouse core reload evaluation methodology. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendment involves no significant hazards consideration.

Attorney for licensee: Kym Harshaw, General Counsel, STP Nuclear Operating Company, P.O. Box 289, Wadsworth, TX 77483.

NRC Branch Chief: Robert J. Pascarelli.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation, and/or Environmental Assessment as indicated. All of these items can be accessed as described in the "Obtaining Information and Submitting Comments" section of this document.

Dominion Nuclear Connecticut, Inc., Docket No. 50–336, Millstone Power Station, Unit No. 2 (MPS2), New London County, Connecticut

Date of amendment request: December 17, 2012, as supplemented by letters dated February 25, 2013; May 28, 2013; July 21, 2015; December 18, 2015; and June 1, 2016.

Brief description of amendment: The amendment revised the MPS2 Technical Specifications (TSs) to reflect the results and constraints of a new criticality safety analysis for fuel assembly storage in the MPS2 fuel storage racks.

Date of issuance: June 23, 2016.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment No.: 327. A publicly-available version is in ADAMS under Accession No. ML16003A008; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–65: Amendment revised the Renewed Facility Operating License and TSs.

Date of initial notice in ***Federal Register:*** June 11, 2013 (78 FR 35060). The supplemental letters dated May 28, 2013; July 21, 2015; December 18, 2015; and June 1, 2016, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 23, 2016.

No significant hazards consideration comments received: No.

Duke Energy Carolinas, LLC, Docket Nos. 50–369, 50–370, 50–413, and 50–414, McGuire Nuclear Station (McGuire), Units 1 and 2, Mecklenburg County, North Carolina, and Catawba Nuclear Station (Catawba), Units 1 and 2, York County, South Carolina

Date of amendment request: August 20, 2015.

Brief description of amendments: The amendments revised the Technical Specifications (TSs) to allow the use of Optimized Zirlo™. Specifically, the proposed changes modify TS 4.2.1 to add Optimized Zirlo™ as an allowable cladding and TS 5.6.5.b to add associated methodologies for determining the core operating limits report.

Date of issuance: June 21, 2016.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment Nos.: McGuire—288 (Unit 1) and 267 (Unit 2); Catawba—284 (Unit 1) and 280 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML16105A326; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. NPF–9, NPF–17, NPF–35, and NPF–52: Amendments revised the Facility Operating Licenses and TSs.

Date of initial notice in ***Federal Register:*** November 24, 2015 (80 FR 73236).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 21, 2016.

No significant hazards consideration comments received: No.

Duke Energy Carolinas, LLC, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: July 9, 2015, as supplemented by letter dated January 7, 2016.

Brief description of amendments: The amendments revised Technical Specification (TS) 3.3.1, "Reactor Trip System (RTS) Instrumentation," to resolve an operable but degraded non-conforming issue associated with the reactor coolant pump under-frequency trip setpoint allowable value for the McGuire Nuclear Station, Units 1 and 2.

Date of issuance: June 21, 2016.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment Nos.: 287 (Unit 1) and 266 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML16109A084; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–9 and NPF–17: Amendments revised the Renewed Facility Operating Licenses and TSs.

Date of initial notice in ***Federal Register:*** October 13, 2015 (80 FR 61479). The supplemental letter dated January 7, 2016, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 21, 2016.

No significant hazards consideration comments received: No.

Entergy Louisiana, LLC, and Entergy Operations, Inc., Docket No. 50–458, River Bend Station, Unit 1 (RBS), West Feliciana Parish, Louisiana

Date of amendment request: June 29, 2015, as supplemented by letter dated December 3, 2015.

Brief description of amendment: The amendment revised the full implementation date (Milestone 8) of the RBS Cyber Security Plan and revised the associated license condition for the Facility Operating License. The license was also revised, in part, to include administrative and editorial corrections.

Date of issuance: June 21, 2016.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 190. A publicly-available version is in ADAMS under Accession No. ML16124A688; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF–47: The amendment revised the Facility Operating License.

Date of initial notice in ***Federal Register:*** April 5, 2016 (81 FR 19647).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 21, 2016.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., Docket No. 50–382, Waterford Steam Electric Station, Unit 3 (Waterford 3), St. Charles Parish, Louisiana

Date of amendment request: November 17, 2011, as supplemented by letters dated January 26, September 27 and October 16, 2012; May 16, June 26, and December 18, 2013; June 11, 2014; March 12, April 10, May 14, August 27, September 8, September 24, and October 13, 2015; and January 18, 2016.

Brief description of amendment: The amendment permits the licensee to adopt a new risk-informed, performance-based fire protection licensing basis for Waterford 3, in accordance with the requirements in 10 CFR 50.48(a) and (c) and the guidance in NRC Regulatory Guide 1.205, "Risk-Informed, Performance-Based Fire Protection for Existing Light-Water Nuclear Power Plants," December 2009; National Fire Protection Association (NFPA) 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants" (2001 Edition); and Nuclear Energy Institute 04–02, "Guidance for Implementing a Risk-Informed, Performance-Based Fire Protection Program under 10 CFR 50.48(c)," Revision 2.

Date of issuance: June 27, 2016.

Effective date: As of the date of issuance and shall be implemented as described in the transition license conditions.

Amendment No.: 248. A publicly-available version is in ADAMS under Accession No. ML16126A033; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF–38: The amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** April 10, 2012 (77 FR 21597). The supplements dated September 27 and October 16, 2012; May 16, June 26, and December 18, 2013; June 11, 2014; March 12, April 10, May 14, August 27, September 8, September 24, and October 13, 2015; and January 18, 2016, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 27, 2016.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket No. 50–244, R. E. Ginna Nuclear Power Plant, Wayne County, New York

Date of amendment request: June 4, 2015, as supplemented by letters dated February 3, 2016; March 29, 2016; and June 16, 2016.

Brief description of amendment: The amendment relocated specific technical specification surveillance frequencies to a licensee-controlled program with the adoption of Technical Specification Task Force (TSTF) Traveler TSTF–425, Revision 3, "Relocate Surveillance Frequencies to Licensee Control—Risk Informed Technical Specification Task Force Initiative 5b". Additionally, the change added a new program, the Surveillance Frequency Control Program, to Technical Specification Section 5, Administrative Controls.

Date of issuance: June 28, 2016.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment No.: 122. A publicly-available version is in ADAMS under Accession No. ML16125A485; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–18: Amendment revised the Renewed Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** October 13, 2015 (80 FR 61482). The supplemental letters dated February 3, 2016; March 29, 2016; and June 16, 2016, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 28, 2016.

No significant hazards consideration comments received: No.

Florida Power & Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Nuclear Generating Unit Nos. 3 and 4, Miami-Dade County, Florida

Date of amendment request: October 6, 2015, as supplemented by letter dated March 25, 2016.

Brief description of amendments: The amendments revised the Technical Specifications (TSs) related to moderator temperature coefficient requirements.

Date of issuance: June 20, 2016.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment Nos: 271 (Unit No. 3) and 266 (Unit No. 4). A publicly-available version is in ADAMS under Accession No. ML16120A473; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–31 and DPR–41: Amendments revised the Renewed Facility Operating Licenses and TSs.

Date of initial notice in ***Federal Register:*** March 8, 2016 (81 FR 12141). The supplemental letter dated March 25, 2016, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 20, 2016.

No significant hazards consideration comments received: No.

Northern States Power Company—Minnesota (NSPM), Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: July 15, 2015.

Brief description of amendment: The amendment adopts the NRC-approved Technical Specifications Task Force (TSTF) Standard Technical Specifications Change Traveler TSTF–523, Revision 2, "Generic Letter 2008–01, Managing Gas Accumulation."

Date of issuance: June 21, 2016.

Effective date: As of the date of issuance and shall be implemented prior to the startup from the 2017 refueling outage.

Amendment No.: 189. A publicly-available version is in ADAMS under Accession No. ML16125A165; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–22: Amendment revised the Renewed Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** October 13, 2015 (80 FR 61484).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 21, 2016.

No significant hazards consideration comments received: No.

PSEG Nuclear LLC, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station (Salem), Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: May 10, 2016.

Brief description of amendments: The amendments extend the implementation period for the Salem, Unit No. 1, License Amendment No. 311, and the Salem, Unit No. 2, License Amendment No. 292, which were effective as of the date of issuance (*i.e.,* March 7, 2016). Specifically, the implementation period for the above amendments has been extended from July 5, 2016 (*i.e.,* 120 days from the date of issuance), to prior to entry into Mode 6 for the Salem, Unit No. 1, Fall 2017 refueling outage (1R25), and prior to entry into Mode 6 for the Salem, Unit No. 2, Spring 2017 refueling outage (2R22), to align with the outages for which the replacement of the source range and intermediate range detectors is scheduled.

Date of issuance: June 29, 2016.

Effective date: As of the date of issuance and shall be implemented by July 5, 2016.

Amendment Nos.: 314 (Unit No. 1) and 295 (Unit No. 2). A publicly-available version is in ADAMS under Accession No. ML16137A579; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–70 and DPR–75: The amendments revised the Renewed Facility Operating Licenses.

Date of initial notice in ***Federal Register:*** May 23, 2016 (81 FR 32351).

The Commission's related evaluation of the amendments and final no significant hazards consideration determination are contained in a Safety Evaluation dated June 29, 2016.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket No. 50–390, Watts Bar Nuclear Plant, Unit 1, Rhea County, Tennessee

Date of amendment request: March 4, 2016.

Brief description of amendment: The amendment revised the date of the Cyber Security Plan implementation schedule Milestone 8 and paragraph 2.E in the Facility Operating License.

Date of issuance: June 23, 2016.

Effective date: As of the date of issuance and shall be implemented within 14 days of issuance.

Amendment No.: 106. A publicly-available version is in ADAMS under Accession No. ML16146A745; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF–90: Amendment revised the Facility Operating License.

Date of initial notice in ***Federal Register:*** April 19, 2016 (81 FR 23011).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 23, 2016.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 8th day of July 2016.

For the Nuclear Regulatory Commission.

Anne T. Boland,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2016–16925 Filed 7–18–16; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0001]

Sunshine Act Meeting Notice

DATES: July 18, 25, August 1, 8, 15, 22, 2016.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of July 18, 2016

Thursday, July 21, 2016

9:30 a.m.—Briefing on Project Aim (Public Meeting) (Contact: Janelle Jessie: 301–415–6775)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of July 25, 2016—Tentative

Tuesday, July 26, 2016

9:00 a.m.—Meeting with NRC Stakeholders (Public Meeting) (Contact: Denise McGovern: 301–415–0681)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, July 28, 2016

9:00 a.m. Hearing on Combined Licenses for Levy Nuclear Plant, Units 1 and 2: Section 189a. of the Atomic Energy Act Proceeding (Public Meeting) (Contact: Donald Habib: 301–415–1035)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of August 1, 2016—Tentative

There are no meetings scheduled for the week of August 1, 2016.

Week of August 8, 2016—Tentative

There are no meetings scheduled for the week of August 8, 2016.

Week of August 15, 2016—Tentative

There are no meetings scheduled for the week of August 15, 2016.

Week of August 22, 2016—Tentative

There are no meetings scheduled for the week of August 22, 2016.

* * * * *

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.*

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.*, braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or email *Brenda.Akstulewicz@nrc.gov* or *Patricia.Jimenez@nrc.gov.*

Dated: July 15, 2016.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2016–17140 Filed 7–15–16; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0084]

Guidance for Closure of Activities Related to Recommendation 2.1, Flooding Hazard Reevaluation

AGENCY: Nuclear Regulatory Commission.

ACTION: Interim staff guidance; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing the final Japan Lessons-Learned Division Interim Staff Guidance (JLD–ISG), JLD–ISG–2016–01, "Guidance for Activities Related to Near-Term Task Force Recommendation 2.1, Flooding Hazard Reevaluation; Focused Evaluation and Integrated Assessment." The JLD–ISG provides guidance and clarification to assist operating power reactor licensees and holders of construction permits under the NRC's regulations with the performance of the focused evaluations and revised integrated assessments for external flooding.

DATES: This guidance is effective on July 19, 2016.

ADDRESSES: Please refer to Docket ID NRC–2016–0084 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0084. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select "*ADAMS Public Documents*" and then select "*Begin Web-based ADAMS Search.*" For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the

convenience of the reader, the ADAMS accession numbers are provided in a table in the "Availability of Documents" section of this document.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- *NRC's Interim Staff Guidance Web site: http://www.nrc.gov/reading-rm/doc-collections/isg/japan-lessons-learned.html.*

FOR FURTHER INFORMATION CONTACT: Eric Bowman, Office of Nuclear Reactor, Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2963; email: *Eric.Bowman@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Following the events at the Fukushima Dai-ichi nuclear power plant on March 11, 2011, the NRC established a senior-level agency task force referred to as the Near-Term Task Force (NTTF). The NTTF was tasked with conducting a systematic and methodical review of the NRC regulations and processes, and determining if the agency should make additional improvements to these programs in light of the events at Fukushima Dai-ichi. As a result of this review, the NTTF developed a comprehensive set of recommendations, documented in SECY–11–0093, "Recommendations for Enhancing Reactor Safety in the 21st Century, the Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident," dated July 12, 2011. These recommendations were enhanced by the NRC staff following interactions with stakeholders. Documentation of the staff's efforts is contained in SECY–11–0124, dated September 9, 2011, and SECY–11–0137, dated October 3, 2011.

As directed by the Commission's SRM for SECY–11–0093, the NRC staff reviewed the NTTF recommendations within the context of the NRC's existing regulatory framework and considered the various regulatory vehicles available to the NRC to implement the recommendations. In SECY–11–0124 and SECY–11–0137, the staff established the prioritization of the recommendations. After receiving the Commission's direction in SRM–SECY–11–0124 and SRM–SECY–11–0137, the NRC staff issued a request for information pursuant to section 50.54(f) of title 10 of the *Code of Federal Regulations* (10 CFR), "Conditions of licenses," on March 12, 2012, requesting licensees to reevaluate the seismic and flooding hazards at their sites using updated hazard information and current regulatory guidance and methodologies. For plants where the reevaluated hazard exceeds the plant's design basis, the licensee was to conduct an integrated assessment. The information gathering is considered to be Phase 1 and was requested to support Phase 2 decision-making and determine whether available or planned measures provide sufficient protection and mitigation capabilities or if further regulatory action should be pursued in the areas of seismic and flooding design, and emergency preparedness.

In COMSECY–14–0037, dated November 21, 2014, the NRC staff requested that the Commission review and approve changes to revise the Recommendation 2.1 flooding assessments and integrate the Phase 2 decision-making into the development and implementation of mitigating strategies in accordance with Order EA–12–049 and the related Mitigation of Beyond-Design-Basis Events rulemaking.

In SRM–COMSECY–14–0037, the Commission disapproved this recommendation. Instead, the Commission instructed the staff to develop a closure plan for the flooding reevaluation activities and to reassess the existing guidance for performing a Phase 1 integrated assessment in order to focus on those plants with the most potential for safety benefits.

In COMSECY–15–0019, the staff provided revised guidance for performing a Phase 1 integrated assessment and described a modified process for identifying the list of plants that would be required to perform an integrated assessment. The process proposed by the staff included the development of a graded, risk-informed and performance-based approach consistent with Commission direction to focus on those plants with the greatest potential opportunity for safety enhancements. Specifically, the process included consideration and evaluation of local intense precipitation by performing a focused evaluation of the impact of the hazard and implementing any necessary programmatic, procedural, or plant modifications to address the hazard, taking into account available warning time. The process also considered flood protection and available physical margin, where licensees will confirm the capability of existing flood protection to address the hazard exceedance by performing a focused evaluation. For licensees where the reevaluated hazard cannot be addressed via existing or planned flood protection, the process also includes the performance of an integrated assessment, using revised guidance, in order to conduct more detailed evaluations of plant response capability. This revised integrated assessment will capture, among other information, quantitative characteristics about the effectiveness of various aspects of plant response (*e.g.,* reliability of equipment and feasibility of manual actions), and risk insights with a focus on cliff-edge effects. The results will be used by the NRC to determine whether additional regulatory action, such as a plant-specific backfit, are warranted.

In SRM–COMSECY–15–0019, the Commission approved the staff's plans to modify the approach for integrated assessments to implement a graded approach for determining the need for, and prioritization and scope of, plant-specific integrated assessments. As discussed in COMSECY–15–0019, the majority of sites with reevaluated flooding hazards exceeding the design-basis flood are expected to screen out from the integrated assessment process. The licensees will instead provide focused evaluations to ensure appropriate actions are taken and that these actions are effective and reasonable.

The Nuclear Energy Institute (NEI) submitted guidance NEI 16–05, "External Flooding Assessment Guidelines," Revision 1, on June 10, 2016. The revised guidance is an industry-developed methodology that describes the flooding impact assessment process, which is intended to meet the requested information of an integrated assessment, as described in the document titled, "Request for Information Pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 50.54(f) Regarding Recommendations 2.1, 2.3, and 9.3, of the Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident," and to incorporate the changes described in COMSECY–15–0019. This revised guidance will be publicly available and used by members of the industry to help develop their responses to the § 50.54(f) letter, including the performance of focused evaluations and integrated assessments, and by the NRC staff in its reviews of the licensees' evaluation.

On April 22, 2016 (81 FR 23758), the NRC requested public comments on draft JLD–ISG–2016–01. The NRC staff received comments from two stakeholders which were considered in the development of the final JLD–ISG–16–01. The questions, comments, and staff resolutions of those comments are contained in "NRC Responses to Public Comments: Revision to Japan Lessons-Learned Division Interim Staff Guidance JLD–ISG- 2016–01: Guidance for

Activities Related to Near-Term Task Force Recommendation 2.1, Flooding Hazard Reevaluation; Focused Evaluation and Integrated Assessment" (ADAMS Accession No. ML16165A103).

II. Congressional Review Act

This JLD–ISG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

III. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document title	Adams Accession No.
Request for Information Pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 50.54(f) Regarding Recommendations 2.1, 2.3, and 9.3, of the Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident, dated March 12, 2012.	ML12053A340
SECY–11–0093, "Recommendations for Enhancing Reactor Safety in the 21st Century, the Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident," dated July 12, 2011.	ML11186A950
Commission's staff requirements memorandum (SRM) for SECY–11–0093, dated August 19, 2011	ML112310021
SECY–11–0124, "Recommended Actions to be Taken Without Delay from the Near-Term Task Force Report," dated September 9, 2011.	ML11245A158
SRM–SECY–11–0124, dated October 18, 2011	ML112911571
SECY–11–0137, "Prioritization of Recommended Actions to be Taken in Response to Fukushima Lessons Learned," dated October 3, 2011.	ML11272A111
SRM–SECY–11–0137, dated December 15, 2011	ML113490055
COMSECY–14–0037, "Integration of Mitigating Strategies for Beyond- Design-Basis External Events and the Reevaluaton (sic) of Flooding Hazards," dated November 21, 2014.	ML14238A616
SRM–COMSECY–14–0037, dated March 30, 2015	ML15089A236
COMSECY–15–0019, "Closure Plan for the Reevaluation of Flooding Hazards for Operating Nuclear Power Plants," dated June 30, 2015.	ML15153A104
SRM–COMSECY–15–0019, dated July 28, 2015	ML15209A682
NEI 16–05, "External Flooding Assessment Guidelines," Rev. 1, dated June 10, 2016	ML16165A176
JLD–ISG–2016–01 "Guidance For Activities Related To Near-Term Task Force Recommendation 2.1, Flooding Hazard Reevaluation; Focused Evaluation and Integrated Assessment," Revision 0.	ML16162A301
"NRC Responses to Public Comments: Revision to Japan Lessons-Learned Division Interim Staff Guidance JLD–ISG–2016–01: Guidance for Activities Related to Near-Term Task Force Recommendation 2.1, Flooding Hazard Reevaluation; Focused Evaluation and Integrated Assessment".	ML16165A103

Dated at Rockville, Maryland, this 12th day of July, 2016.

For the Nuclear Regulatory Commission.

Mohamed Shams,

Deputy Director, Japan Lessons-Learned Division, Office of Nuclear Reactor Regulation.

[FR Doc. 2016–17047 Filed 7–18–16; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2016–0132]

Information Collection: NRC Form 314, Certificate of Disposition of Materials

AGENCY: Nuclear Regulatory Commission.

ACTION: Extension of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the extension of Office of Management and Budget's (OMB) approval for an existing collection of information. The information collection is entitled NRC Form 314, "Certificate of Disposition of Materials." The NRC Form 314 is submitted by a materials licensee who wishes to terminate its license. The form provides information needed by the NRC to determine whether the licensee has radioactive materials on hand which must be transferred or otherwise disposed of prior to expiration or termination of the license.

DATES: Submit comments by September 19, 2016. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0132. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–5 F53, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2016–0132 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0132.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select "*ADAMS Public Documents*" and then select "*Begin Web-based ADAMS*

Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ADAMS ML16130A184. The supporting statement and NRC Form 314, "Certificate of Disposition of Materials," is available in ADAMS under Accession No. ADAMS ML16130A186.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV.*

B. Submitting Comments

Please include Docket ID NRC–2016–0132 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request OMB's approval for the information collection summarized below.

1. *The title of the information collection:* NRC Form 314, "Certificate of Disposition of Materials."
2. *OMB approval number:* OMB approval number 3150–0028.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* NRC Form 314, "Certificate of Disposition of Materials."
5. *How often the collection is required or requested:* NRC Form 314 is submitted by a materials licensee who wishes to terminate its license. The form provides information needed by the NRC to determine whether the licensee has radioactive materials on hand which must be transferred or otherwise disposed of prior to expiration or termination of the license.
6. *Who will be required or asked to respond:* Respondents are firms, institutions, and individuals holding NRC licenses to possess and use radioactive materials who do not wish to renew those licenses.
7. *The estimated number of annual responses:* 136 responses.
8. *The estimated number of annual respondents:* 136 respondents.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* Each form requires, on average, approximately 0.5 hours to prepare. 136 × 0.5 hour = a total annual burden for all respondents of 68 hours.
10. *Abstract:* The NRC Form 314 furnishes information to the NRC regarding transfer or other disposition of radioactive material by licensees who wish to terminate their licenses. The information is used by the NRC as part of the basis for its determination that the facility has been cleared of radioactive material before the facility is released for unrestricted use.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the estimate of the burden of the information collection accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 13th day of July 2016.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2016–16955 Filed 7–18–16; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collection for OMB Review; Comment Request; Filings for Reconsideration

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for extension of OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation ("PBGC") is requesting that the Office of Management and Budget ("OMB") extend approval without change, under the Paperwork Reduction Act, of a collection of information under its regulation on Rules for Administrative Review of Agency Decisions. This notice informs the public of PBGC's request and solicits public comment on the collection of information.

DATES: Comments should be submitted by August 18, 2016.

ADDRESSES: Comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, via electronic mail at *OIRA_DOCKET@omb.eop.gov* or by fax to (202) 395–6974.

Copies of the collection of information may also be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC at 1200 K Street NW., Washington, DC 20005–4026 or by visiting the Disclosure Division or calling 202–326–4400 ext. 3872 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4400 ext. 3872.) PBGC's regulation on Administrative Appeals may be accessed on PBGC's Web site at *www.pbgc.gov.*

FOR FURTHER INFORMATION CONTACT: Donald McCabe, Attorney, Regulatory Affairs Group, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026, 202–326–4400 ext. 3872. (For TTY and TDD, call 800–877–8339 and request connection to 202–326–4400 ext. 3872).

SUPPLEMENTARY INFORMATION: PBGC's regulation on Rules for Administrative Review of Agency Decisions (29 CFR part 4003) prescribes rules governing the issuance of initial determinations by PBGC and the procedures for requesting and obtaining administrative review of initial determinations through reconsideration or appeal. Subpart A of the regulation specifies which initial determinations are subject to reconsideration. Subpart C prescribes rules on who may request reconsideration, when to make such a request, where to submit it, form and content of reconsideration requests, and other matters relating to reconsiderations.

Any person aggrieved by an initial determination of PBGC under § 4003.1(b)(1) (determinations that a plan is covered by section 4021 of ERISA), § 4003.1(b)(2) (determinations concerning premiums, interest, and late payment penalties under section 4007 of ERISA), § 4003.1(b)(3) (determinations concerning voluntary terminations), § 4003.1(b)(4) (determinations concerning allocation of assets under section 4044 of ERISA), or § 4003.1(b)(5) (determinations with respect to penalties under section 4071 of ERISA) may request reconsideration of the initial determination. Requests for reconsideration must be in writing, be clearly designated as requests for reconsideration, contain a statement of the grounds for reconsideration and the relief sought, and contain or reference all pertinent information.

OMB has approved the reconsiderations collection of information under control number 1212–0063 through July 31, 2016. PBGC is requesting that OMB extend approval without change of this collection of information for three years. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

PBGC estimates that an average of about 226 appellants per year will respond to this collection of information. PBGC further estimates that the average annual burden of this collection of information is about one-half hour and about $626 per person, with an average total annual burden of about 112 hours and about $141,400.

Issued in Washington, DC, this 13th day of July 2016.

Judith Starr,

General Counsel, Pension Benefit Guaranty Corporation.

[FR Doc. 2016–16950 Filed 7–18–16; 8:45 am]

BILLING CODE 7709–02–P

POSTAL SERVICE

International Product Change—Inbound Market Dominant Registered Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add Inbound Market Dominant Registered Service Agreement to the Market Dominant Product List.

DATES: *Effective date:* July 19, 2016.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, (202) 268–7820.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642, on July 13, 2016, it filed with the Postal Regulatory Commission a Request of United States Postal Service to add Inbound Market Dominant Registered Service Agreement to the Market Dominant Product List. Documents are available at *www.prc.gov,* Docket Nos. MC2016–168 and R2016–6.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2016–16986 Filed 7–18–16; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–78313; File No. SR–BatsEDGX–2016–30]

Self-Regulatory Organizations; Bats EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to EDGX Rule 13.4(a), Stating It Will Utilize IEX Market Data From the CQS/UQDF for Purposes of Order Handling, Routing, and Related Compliance Processes

July 13, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 5, 2016, Bats EDGX Exchange, Inc. (the "Exchange" or "EDGX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to update Rule 13.4(a) regarding the public disclosure of the sources of data that the Exchange utilizes when performing: (i) Order handling; (ii) order routing; and (iii) related compliance processes to reflect the operation of the Investors Exchange LLC ("IEX") as a registered national securities exchange[3] beginning on August 19, 2016.[4]

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On June 17, 2016, the Commission approved IEX's application to register as a national securities exchange.[5] As part of its transition to exchange status, IEX announced that it will commence a symbol-by-symbol roll-out on August 19, 2016, concluding on September 2, 2016.[6] The Exchange, therefore, proposes to update Rule 13.4(a) regarding the public disclosure of the sources of data that the Exchange utilizes when performing: (i) Order handling; (ii) order routing; and (iii) related compliance processes to reflect the operation of IEX" [sic] as a registered national securities exchange beginning on August 19, 2016. Specifically, the Exchange proposes to amend Rule 13.4(a) to include IEX by stating it will utilize IEX market data from the CQS/UQDF for purposes of order handling, routing, and related compliance processes.

---

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 78101 (June 17, 2016), 81 FR 41141 (June 23, 2016) ("IEX Approval Order").

[4] *See* Letter from Brad Katsuyama, CEO, IEX, to IEX's Sell-Side and Buy-Side Partners, dated June 17, 2016 (*https://www.iextrading.com/*) (stating that IEX will commence a symbol-by-symbol roll-out on August 19, 2016, concluding on September 2, 2016).

[5] *See supra* note 3.

[6] *See supra* note 4.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5) of the Act,[8] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that its proposal to update Exchange Rule 13.4(a) to include IEX will ensure that the rule correctly identifies and publicly states on a market-by-market basis all of the specific network processor and proprietary data feeds that the Exchange utilizes for the handling, routing, and execution of orders, and for performing the regulatory compliance checks related to each of those functions. The proposed rule change also removes impediments to and perfects the mechanism of a free and open market and protects investors and the public interest because it provides additional specificity, clarity and transparency.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes its proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes the proposal would enhance competition because including all of the exchanges enhances transparency and enables investors to better assess the quality of the Exchange's execution and routing services.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (A) Significantly affect the protection of investors or the public interest; (B) impose any significant burden on competition; and (C) by its terms, become operative for 30 days from the date on which it was filed or such shorter time as the Commission may designate it has become effective pursuant to Section 19(b)(3)(A) of the Act [9] and paragraph (f)(6) of Rule 19b–4 thereunder,[10] the Exchange has designated this rule filing as non-controversial. The Exchange has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (1) Necessary or appropriate in the public interest; (2) for the protection of investors; or (3) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BatsEDGX–2016–30 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BatsEDGX–2016–30. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-BatsEDGX–2016–30 and should be submitted on or before August 9, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2016–16975 Filed 7–18–16; 8:45 am]

BILLING CODE 8011–01–P

---

[7] 15 U.S.C. 78f.

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4.

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–78316; File No. SR–CBOE–2016–056]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to the Automated Improvement Mechanism

July 13, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 13, 2016, Chicago Board Options Exchange, Incorporated (the "Exchange" or "CBOE") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

---

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange seeks to extend the pilots associated with the Automated Improvement Mechanism. The text of the proposed rule change is provided below.

(additions are *italicized;* deletions are [bracketed])

Chicago Board Options Exchange, Incorporated Rules

Rule 6.74A. Automated Improvement Mechanism ("AIM")

Notwithstanding the provisions of Rule 6.74, a Trading Permit Holder that represents agency orders may electronically execute an order it represents as agent ("Agency Order") against principal interest or a solicited order provided it submits the Agency Order for electronic execution into the AIM auction ("Auction") pursuant to this Rule.

(a)–(b) No change.

. . . Interpretations and Policies:

.01–.02 No change.

.03 Initially, and for at least a Pilot Period expiring on [July 18, 2016] *January 18, 2017,* there will be no minimum size requirement for orders to be eligible for the Auction. During this Pilot Period, the Exchange will submit certain data, periodically as required by the Commission, to provide supporting evidence that, among other things, there is meaningful competition for all size orders and that there is an active and liquid market functioning on the Exchange outside of the Auction mechanism. Any raw data which is submitted to the Commission will be provided on a confidential basis.

.04–.05 No change.

.06 Subparagraph (b)(2)(E) of this rule will be effective for a Pilot Period until [July 18, 2016] *January 18, 2017.* During the Pilot Period, the Exchange will submit certain data, periodically as required by the Commission, relating to the frequency with which early termination of the Auction occurs pursuant to this provision as well as any other provision, and also the frequency with which early termination pursuant to this provision results in favorable pricing for the Agency Order. Any raw data which is submitted to the Commission will be provided on a confidential basis.

.07–.08 No change.

Rule 24B.5A. FLEX Automated Improvement Mechanism

Notwithstanding the provisions of Rule 24B.5, a FLEX Trader that represents agency orders may electronically execute an order it represents as agent ("Agency Order") against principal interest and/or against solicited orders provided it submits the Agency Order for execution into the automated improvement mechanism auction ("AIM Auction") pursuant to this Rule.

(a)–(b) No change.

This rule supersedes Exchange Rule 6.74A.

. . . Interpretations and Policies:

.01–.02 No change.

.03 Initially, and for at least a Pilot Period expiring on [July 18, 2016] *January 18, 2017,* there will be no minimum size requirement for orders to be eligible for the AIM Auction. During this Pilot Period, the Exchange will submit certain data, periodically as required by the Commission, to provide supporting evidence that, among other things, there is meaningful competition for all size orders and that there is an active and liquid market functioning on the Exchange outside of the AIM Auction. Any raw data which is submitted to the Commission will be provided on a confidential basis.

.04–.07 No change.

The text of the proposed rule change is also available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In February 2006, CBOE obtained approval from the Securities and Exchange Commission (the "Commission") to adopt the AIM auction process.[5] AIM exposes certain orders electronically to an auction process to provide these orders with the opportunity to receive an execution at an improved price. The AIM auction is available only for orders that a Trading Permit Holder represents as agent ("Agency Order") and for which a second order of the same size as the Agency Order (and on the opposite side of the market) is also submitted (effectively stopping the Agency Order at a given price).

The Commission approved two components of AIM on a pilot basis: (1) That there is no minimum size requirement for orders to be eligible for the auction; and (2) that the auction will conclude prematurely anytime there is a quote lock on the Exchange pursuant to Rule 6.45A(d).[6] In connection with the pilot programs, the Exchange has submitted to the Commission reports providing detailed AIM auction and order execution data.

Ten one-year extensions to the pilot programs have previously become effective.[7] The proposed rule change merely extends the duration of the pilot programs until January 18, 2017. Extending the pilots for an additional six months will allow the Commission more time to consider the impact of the pilot programs on AIM order executions.

Additionally, in March 2012, CBOE obtained approval from the Commission to adopt the AIM auction process for

---

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Release No. 53222 (February 3, 2006), 71 FR 7089 (February 10, 2006) (SR–CBOE–2005–60).

[6] A quote lock occurs when a CBOE Market-Maker's quote interacts with the quote of another CBOE Market-Maker (*i.e.* when internal quotes lock).

[7] *See* Securities Exchange Act Release Nos. 54147 (July 14, 2006), 71 FR 41487 (July 21, 2006) (SR–CBOE–2006–64); 56094 (July 18, 2007), 72 FR 40910 (July 25, 2007) (SR–CBOE–2007–80); 58196 (July 18, 2008), 73 FR 43803 (July 28, 2008) (SR–CBOE–2008–76); 60338 (July 17, 2009), 74 FR 36803 (July 24, 2009) (SR–CBOE–2009–051); 62522 (July 16, 2010), 75 FR 43596 (July 26, 2010) (SR–CBOE–2010–067); 64930 (July 20, 2011), 76 FR 44636 (July 26, 2011) (SR–CBOE–2011–066); 67302 (June 28, 2012), 77 FR 39779 (July 5, 2012) (SR–CBOE–2012–061); 69867 (June 27, 2013), 78 FR 40230 (July 3, 2013) (SR–CBOE–2013–066); and 72570 (July 9, 2014), 79 FR 41337 (July 15, 2014) (SR–CBOE–2014–054); and 75476 (July 16, 2015), 80 FR 43548 (July 22, 2015) (SR–CBOE–2015–068).

FLEX Options.[8] AIM for FLEX Options exposes certain FLEX Options orders electronically to an auction process to provide these orders with the opportunity to receive an execution at an improved price. The FLEX AIM auction is available only for Agency Orders and for which a second order of the same size as the Agency Order (and on the opposite side of the market) is also submitted (effectively stopping the Agency Order at a given price).

The Commission approved on a pilot basis the component of AIM for FLEX Options that there is no minimum size requirement for orders to be eligible for the auction.[9] In connection with the pilot program, the Exchange has submitted to the Commission reports providing detailed FLEX AIM auction and order execution data.

Four one-year extensions to the pilot program have previously become effective.[10] The proposed rule change merely extends the duration of the pilot program until July 18, 2017. Extending the pilot for an additional six months will allow the Commission more time to consider the impact of the pilot program on AIM order executions for FLEX Options.

The Exchange also proposes to correct an inadvertent typographical error in Rule 24B.5A. On December 23, 2011 the Exchange filed a rule change to adopt Rule 24B.5A (FLEX Automated Improvement Mechanism).[11] As part of that filing, a spelling error was made in the sentence that begins with "RULE 24B5A. Notwithstanding . . ." The error incorrectly identifies an "AIM Auction" as an "AIM Action." The Exchange is now proposing to amend this typographical error.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[12] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [13] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [14] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed rule change protects investors and the public interest by allowing for an extension of the AIM and FLEX AIM pilot programs, and thus allowing additional time for the Commission to evaluate the pilot programs. The pilot programs will continue to allow (1) smaller non-FLEX option and FLEX Option orders to receive the opportunity for price improvement pursuant to the AIM auction, and (2) with respect to non-FLEX options, Agency Orders in AIM auctions that are concluded early because of quote lock on the Exchange to receive the benefit of the lock price. The additional data provided will help the Commission determine if there is evidence of meaningful competition for all size orders, significant price improvement for orders going through the AIM and FLEX AIM and an active and liquid market functioning on the Exchange outside of the AIM and FLEX AIM auctions.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule changes will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe the proposed rule changes impose any burden on intramarket competition because it applies to all Trading Permit Holders. All Trading Permit Holders that submit orders into an AIM or FLEX AIM auction are still subject to the same requirements. In addition, the Exchange does not believe the proposed rule changes will impose any burden on intermarket competition, as they merely extend the duration of an existing pilot programs, which are available to all market participants through Trading Permit Holders. AIM and FLEX AIM will continue to function in the same manner as they currently function for an extended period of time.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [15] and subparagraph (f)(6) of Rule 19b–4 thereunder.[16]

A proposed rule change filed under Rule 19b–4(f)(6) [17] normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii),[18] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requested that the Commission waive the 30-day operative delay. The Exchange noted that waiver of the 30-day operative delay will allow the Exchange to extend the pilot programs prior to their expiration on July 18, 2016. In addition, the Exchange believes that waiver of the operative delay is also consistent with the protection of investors and the public interest because it will allow for the least amount of market disruption, as the pilot programs will continue as they currently do, maintaining the status quo.

---

[8] *See* Securities Exchange Release No. 66702 (March 30, 2012), 77 FR 20675 (April 5, 2012) (SR–CBOE–2011–123).

[9] The pilot for the FLEX AIM auction process was modeled after the pilot for non-FLEX Options described above, and included an initial expiration date of July 18, 2012 so that the FLEX pilot would coincide with the existing non-FLEX pilot.

[10] *See* Securities Exchange Act Release No. 67302 (June 28, 2012), 77 FR 39779 (July 5, 2012) (SR–CBOE–2012–061); 69938 (July 5, 2013), 78 FR 41481 (July 10, 2013) (SR–CBOE–2013–069); and 72570 (July 9, 2014), 79 FR 41337 (July 15, 2014) (SR–CBOE–2014–054); and 75476 (July 16, 2015), 80 FR 43548 (July 22, 2015) (SR–CBOE–2015–068).

[11] *See* Securities Exchange Act Release No. 66702 (March 30, 2012), 77 FR 20675 (April 5, 2012) (SR–CBOE–2011–123) (Order approving Proposed Rule Change to Establish an Automated Improvement Mechanism and a Solicitation Auction Mechanism for FLEX Options).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] *Id.*

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii).

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the pilot programs to continue uninterrupted, thereby avoiding any potential investor confusion that could result from a temporary interruption in the pilot programs. Therefore, the Commission designates the proposed rule change to be operative on July 18, 2016.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2016–056 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2016–056. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2016–056 and should be submitted on or before August 9, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2016–16972 Filed 7–18–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Form Custody, SEC File No. 270–643, OMB Control No. 3235–0691.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) ("PRA"), the Securities and Exchange Commission ("Commission") is soliciting comments on the existing collection of information provided for in Form Custody (17 CFR 249.639) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) ("Exchange Act"). The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

Section 17(a)(1) of the Exchange Act provides that broker-dealers registered with the Commission must make and keep records, furnish copies of the records, and make and disseminate reports as the Commission, by rule, prescribes. Pursuant to this authority, the Commission adopted Rule 17a–5 (17 CFR 240.17a–5), which is one of the primary financial and operational reporting rules for broker-dealers.[1] Paragraph (a)(5) of Rule 17–5 requires every broker-dealer registered with the Commission to file Form Custody (17 CFR 249.639) with its designated examining authority ("DEA") within 17 business days after the end of each calendar quarter and within 17 business days after the date selected for the broker-dealer's annual report if that date is not the end of a calendar quarter. Form Custody is designed to elicit information about whether a broker-dealer maintains custody of customer and non-customer assets, and, if so, how such assets are maintained.

There are approximately 4,113 broker-dealers registered with the Commission. Based on staff experience, the Commission estimates that, on average, it would take a broker-dealer approximately 12 hours to complete and file Form Custody, for an annual industry-wide reporting burden of approximately 197,424 hours.[2] Assuming an average cost per hour of approximately $291for a compliance manager, the total internal cost of compliance for the respondents is approximately $57,450,384 per year.[3]

Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

---

[19] For purposes only of waiving the operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 17 CFR 200.30–3(a)(12).

[1] Rule 17a–5 is subject to a separate PRA filing (OMB Control Number 3235–0123).

[2] 4,113 brokers-dealers × 4 times per year × 12 hours = 197,424 hours.

[3] 197,424 hours times $291 per hour = 57,450,384. $291 per hour for a compliance manager is from SIFMA's *Management & Professional Earnings in the Securities Industry 2013,* modified by Commission staff for an 1800-hour work-year, multiplied by 5.35 to account for bonuses, firm size, employee benefits, and overhead, and adjusted for inflation.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: July 13, 2016.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–17000 Filed 7–18–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–78317; File No. SR–Phlx–2016–73]

Self-Regulatory Organizations; NASDAQ PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Rules To Implement the Quoting and Trading Provisions of the Plan To Implement a Tick Size Pilot Program

July 13, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 29, 2016, NASDAQ PHLX LLC ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt rules under Rule 3317 to implement the quoting and trading provisions of the Plan to Implement a Tick Size Pilot Program submitted to the Commission pursuant to Rule 608 of Regulation NMS [3] under the Act (the "Plan").[4] The proposed rule change is substantially similar to proposed rule changes recently approved or published by the Commission by New York Stock Exchange LLC to adopt NYSE Rules 67(a) and 67(c)-(e), which also implemented the quoting and trading provisions of the Plan.[5]

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com/*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to establish rules to require its member organizations to comply with the requirements of the Plan, which is designed to study and assess the impact of increment conventions on the liquidity and trading of the common stocks of small capitalization companies. The Exchange proposes changes to its rules for a two-year pilot period that coincides with the pilot period for the Plan, which is currently scheduled as a two year pilot to begin on October 3, 2016.

Background

On August 25, 2014, NYSE Group, Inc., on behalf of Bats BZX Exchange, Inc. (f/k/a BATS Exchange, Inc.), Bats BYX Exchange, Inc. (f/k/a BATS Y-Exchange, Inc.), Chicago Stock Exchange, Inc., EDGA Exchange, Inc., EDGX Exchange, Inc., the Exchange [sic], Financial Industry Regulatory Authority, Inc. ("FINRA"), NASDAQ OMX BX, Inc., NASDAQ OMX PHLX LLC, New York Stock Exchange LLC, the Exchange [sic] and NYSE Arca, Inc., and the NYSE MKT LLC, (collectively, "Participants"), filed with the Commission, pursuant to Section 11A of the Act [6] and Rule 608 of Regulation NMS thereunder, the Plan to Implement a Tick Size Pilot Program.[7] The Participants filed the Plan to comply with an order issued by the Commission on June 24, 2014 (the "June 2014 Order").[8] The Plan [9] was published for comment in the **Federal Register** on November 7, 2014,[10] and approved by the Commission, as modified, on May 6, 2015.[11]

The Plan is designed to allow the Commission, market participants, and the public to study and assess the impact of increment conventions on the liquidity and trading of the common stocks of small capitalization companies. The Commission plans to use the Tick Size Pilot Program to assess whether wider tick sizes enhance the market quality of Pilot Securities for the benefit of issuers and investors. Each Participant is required to comply with, and to enforce compliance by its member organizations, as applicable, with the provisions of the Plan.

On October 9, 2015, the Operating Committee approved the Exchange's [sic] proposed rules as model Participant rules that would require compliance by a Participant's member organizations with the provisions of the Plan, as applicable, and would establish written policies and procedures reasonably designed to comply with applicable quoting and trading requirements specified in the Plan.[12] As described more fully below, the proposed rules would require member organizations to comply with the Plan and provide for the widening of quoting and trading increments for Pilot Securities, consistent with the Plan.

---

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 242.608.

[4] *See* Securities and Exchange Act Release No. 74892 (May 6, 2015), 80 FR 27513 (File No. 4–657) ("Tick Plan Approval Order"). *See also* Securities and Exchange Act Release No. 76382 (November 6, 2015) (File No. 4–657), 80 FR 70284 (File No. 4–657) (November 13, 2015), which extended the pilot period commencement date from May 6, 2015 to October 3, 2016.

[5] *See* Securities Exchange Act Release No. 76229 (October 22, 2015), 80 FR 66065 (October 28, 2015) (SR–NYSE–2015–46), as amended by Partial Amendments No. 1 and No. 2 to the Quoting & Trading Rules Proposal. *See* Securities Exchange Act Release No. 77703 (April 25, 2016), 81 FR 25725 (April 29, 2016) (SR–NYSE–2015–46).

[6] 15 U.S.C. 78k–1.

[7] *See* Letter from Brendon J. Weiss, Vice President, Intercontinental Exchange, Inc., to Secretary, Commission, dated August 25, 2014.

[8] *See* Securities Exchange Act Release No. 72460 (June 24, 2014), 79 FR 36840 (June 30, 2014).

[9] Unless otherwise specified, capitalized terms used in this rule filing are based on the defined terms of the Plan.

[10] *See* Securities and Exchange Act Release No. 73511 (November 3, 2014), 79 FR 66423 (File No. 4–657) (Tick Plan Filing).

[11] *See* Tick Plan Approval Order, *supra* note 4. *See also* Securities Exchange Act Release No. 77277 (March 3, 2016), 81 FR 12162 (March 8, 2016) (File No. 4–657), which amended the Plan to add National Stock Exchange, Inc. as a Participant.

[12] The Operating Committee is required under Section III(C)(2) of the Plan to "monitor the procedures established pursuant to the Plan and advise Participants with respect to any deficiencies, problems, or recommendations as the Operating Committee may deem appropriate." The Operating Committee is also required to "establish specifications and procedures for the implementation and operation of the Plan that are consistent with the provisions of the Plan."

The Plan will include stocks of companies with $3 billion or less in market capitalization, an average daily trading volume of one million shares or less, and a volume weighted average price of at least $2.00 for every trading day. The Plan will consist of a control group of approximately 1,400 Pilot Securities and three test groups with 400 Pilot Securities in each selected by a stratified sampling.[13] During the pilot, Pilot Securities in the control group will be quoted at the current tick size increment of $0.01 per share and will trade at the currently permitted increments. Pilot Securities in the first test group ("Test Group One") will be quoted in $0.05 minimum increments but will continue to trade at any price increment that is currently permitted.[14] Pilot Securities in the second test group ("Test Group Two") will be quoted in $0.05 minimum increments and will trade at $0.05 minimum increments subject to a midpoint exception, a retail investor exception, and a negotiated trade exception.[15] Pilot Securities in the third test group ("Test Group Three") will be subject to the same terms as Test Group Two and also will be subject to the "Trade-at" requirement to prevent price matching by a person not displaying at a price of a Trading Center's "Best Protected Bid" or "Best Protected Offer," unless an enumerated exception applies.[16] In addition to the exceptions provided under Test Group Two, an exception for Block Size orders and exceptions that closely resemble those under Rule 611 of Regulation NMS[17] will apply to the Trade-at requirement.

The Plan also contains requirements for the collection and transmission of data to the Commission and the public. A variety of data generated during the Plan will be released publicly on an aggregated basis to assist in analyzing the impact of wider tick sizes on smaller capitalization stocks.[18]

Proposed Rules 3317(a) and (c)

The Plan requires the Exchange to establish, maintain, and enforce written policies and procedures that are reasonably designed to comply with applicable quoting and trading requirements specified in the Plan.[19] Accordingly, the Exchange is proposing new Rule 3317(a) to require its member organizations to comply with the quoting and trading provisions of the Plan. The proposed Rules are also designed to ensure the Exchange's compliance with the Plan.

Proposed paragraph (a)(1) of new Rule 3317 would establish the following defined terms:

- "Plan" means the Tick Size Pilot Plan submitted to the Commission pursuant to Rule 608(a)(3) of Regulation NMS under the Act.
- "Pilot Test Groups" means the three test groups established under the Plan, consisting of 400 Pilot Securities each, which satisfy the respective criteria established by the Plan for each such test group.
- "Trade-at Intermarket Sweep Order"[20] would mean a limit order for a Pilot Security that meets the following requirements:

(i) When routed to a Trading Center, the limit order is identified as a Trade-at Intermarket Sweep Order; and

(ii) Simultaneously with the routing of the limit order identified as a Trade-at Intermarket Sweep Order, one or more additional limit orders, as necessary, are routed to execute against the full size of any protected bid, in the case of a limit order to sell, or the full displayed size of any protected offer, in the case of a limit order to buy, for the Pilot Security with a price that is better than or equal to the limit price of the limit order identified as a Trade-at Intermarket Sweep Order. These additional routed orders also must be marked as Trade-at Intermarket Sweep Orders.

- Paragraph (a)(1)(E) would provide that all capitalized terms not otherwise defined in this rule shall have the meanings set forth in the Plan, Regulation NMS under the Act, or Exchange rules, as applicable.

Proposed Paragraph (a)(2) would state that the Exchange is a Participant in, and subject to the applicable requirements of, the Plan; proposed Paragraph (a)(3) would require member organizations to establish, maintain and enforce written policies and procedures that are reasonably designed to comply with the applicable requirements of the Plan, which would allow the Exchange to enforce compliance by its member organizations with the provisions of the Plan, as required pursuant to Section II(B) of the Plan.

In addition, Paragraph (a)(4) would provide that Exchange systems would not display, quote or trade in violation of the applicable quoting and trading requirements for a Pilot Security specified in the Plan and this proposed rule, unless such quotation or transaction is specifically exempted under the Plan.[21]

The Exchange also proposes to add Rule 3317(a)(5) to provide for the treatment of Pilot Securities that drop below a $1.00 value during the Pilot Period.[22] The Exchange proposes that if the price of a Pilot Security drops below $1.00 during regular trading on any given business day, such Pilot Security would continue to be subject to the Plan and the requirements described below that necessitate member organizations to comply with the specific quoting and trading obligations for each respective Pilot Test Group under the Plan, and would continue to trade in accordance with the proposed rules below as if the price of the Pilot Security had not dropped below $1.00. However, if the Closing Price of a Pilot Security on any given business day is below $1.00, such Pilot Security would be moved out of its respective Pilot Test Group into the control group (which consists of Pilot Securities not placed into a Pilot Test Group), and may then be quoted and traded at any price increment that is currently permitted by Exchange rules for the remainder of the Pilot Period. Notwithstanding anything contained herein to the contrary, the Exchange proposes that, at all times during the Pilot Period, Pilot Securities (whether in the control group or any Pilot Test Group) would continue to be subject to the data collection rules, which are enumerated in Rule 3317(b).

---

[13] *See* Section V of the Plan for identification of Pilot Securities, including criteria for selection and grouping.

[14] *See* Section VI(B) of the Plan. Pilot Securities in Test Group One will be subject to a midpoint exception and a retail investor exception.

[15] *See* Section VI(C) of the Plan.

[16] *See* Section VI(D) of the Plan.

[17] 17 CFR 242.611.

[18] *See* Section VII of the Plan.

[19] The Exchange was also required by the Plan to develop appropriate policies and procedures that provide for data collection and reporting to the Commission of data described in Appendixes B and C of the Plan. *See* Securities Exchange Act Release No. 77458 (March 28, 2016), 81 FR 18919 (April 1, 2016) (SR–Phlx–2016–39).

[20] The Plan defines a Trade-at Intermarket Sweep Order ("ISO") as a limit order for a Pilot Security that, when routed to a Trading Center, is identified as an ISO, and simultaneous with the routing of the limit order identified as an ISO, one or more additional limit orders, as necessary, are routed to execute against the full displayed size of any protected bid (in the case of a limit order to sell) or the full displayed size of any protected offer (in the case of a limit order to buy) for the Pilot Security with a price that is equal to the limit price of the limit order identified as an ISO. These additional routed orders also must be marked as ISOs. *See* Plan, Section I(MM). Since the Plan allows (i) an order that is identified as an ISO to be executed at the price of a Protected Quotation (*see* Plan, Section VI(D)(8) and proposed Rule 3317(c)(3)(D)(iii)i.) and (ii) an order to execute at the price of a Protected Quotation that "is executed by a trading center that simultaneously routed Trade-at ISO to execute against the full displayed size of the Protected Quotation that was trade at" (*see* Plan, Section VI(D)(9) and proposed Rule 3317(c)(3)(D)(iii)j.)), the Exchange proposes to clarify the use of an ISO in connection with the Trade-at requirement by adopting, as part of proposed Rule 3317(a)(1), a comprehensive definition of "Trade-at ISO." As set forth in the Plan and as noted above, the definition of a Trade-at ISO used in the Plan does not distinguish ISOs that are compliant with Rule 611 or Regulation NMS from ISOs that are compliant with Trade-at. The Exchange therefore proposes the separate definition of Trade-at ISO contained in proposed Rule 3317(a). The Exchange believes that this proposed definition will further clarify to recipients of ISOs in Test Group Three securities whether the ISO satisfies the requirements of Rule 611 of Regulation NMS or Trade-at.

[21] The Exchange is still evaluating its internal policies and procedures to ensure compliance with the Plan, and plans to separately propose rules that would address violations of the Plan.

[22] New York Stock Exchange LLC, on behalf of the Participants, submitted a letter to Commission requesting exemption from certain provisions of the Plan related to quoting and trading. *See* letter from Elizabeth K. King, NYSE, to Brent J. Fields, Secretary, Commission, dated October 14, 2015 (the "October Exemption Request"). FINRA, also on behalf of the Plan Participants, submitted a separate letter to Commission requesting additional exemptions from certain provisions of the Plan related to quoting and trading. *See* letter from Marcia E. Asquith, Senior Vice President and Corporate Secretary, FINRA, to Robert W. Errett, Deputy Secretary, Commission, dated February 23, 2016 (the "February Exemption Request," and together with the October Exemption Request, the "Exemption Request Letters"). The Commission, pursuant to its authority under Rule 608(e) of Regulation NMS, granted New York Stock Exchange LLC a limited exemption from the requirement to comply with certain provisions of the Plan as

The Exchange proposes Rules 3317(c)(1)–(3), which would require member organizations to comply with the specific quoting and trading obligations for each Pilot Test Group under the Plan. With regard to Pilot Securities in Test Group One, proposed Rule 3317(c)(1) would provide that no member organization may display, rank, or accept from any person any displayable or non-displayable bids or offers, orders, or indications of interest in increments other than $0.05. However, orders priced to trade at the midpoint of the National Best Bid and National Best Offer ("NBBO") or Best Protected Bid and Best Protected Offer ("PBBO") and orders entered in a Participant-operated retail liquidity program[23] may be ranked and accepted in increments of less than $0.05. Pilot Securities in Test Group One may continue to trade at any price increment that is currently permitted by Rule 3301(k).[24]

With regard to Pilot Securities in Test Group Two, proposed Rule 3317(c)(2)(A) would provide that such Pilot Securities would be subject to all of the same quoting requirements as described above for Pilot Securities in Test Group One, along with the applicable quoting exceptions. In addition, proposed Rule 3317(c)(2)(B) would provide that, absent one of the listed exceptions in proposed 3317(c)(2)(C) enumerated below, no member organization may execute orders in any Pilot Security in Test Group Two in price increments other than $0.05. The $0.05 trading increment would apply to all trades, including Brokered Cross Trades.

Paragraph (2)(C) would set forth further requirements for Pilot Securities in Test Group Two. Specifically, member organizations trading Pilot Securities in Test Group Two would be allowed to trade in increments less than $0.05 under the following circumstances:[25]

(i) Trading may occur at the midpoint between the NBBO or PBBO;

(ii) Retail Investor Orders may be provided with price improvement that is at least $0.005 better than the PBBO; and

(iii) Negotiated Trades may trade in increments less than $0.05.

Paragraph (3)(A)–(3)(C) would set forth the requirements for Pilot Securities in Test Group Three. Member organizations quoting or trading such Pilot Securities would be subject to all of the same quoting and trading requirements as described above for Pilot Securities in Test Group Two, including the quoting and trading exceptions applicable to Pilot Securities in Test Group Two. In addition, proposed Paragraph (3)(D) would provide for an additional prohibition on Pilot Securities in Test Group Three referred to as the "Trade-at Prohibition."[26] Paragraph (3)(D)(ii) would provide that, absent one of the listed exceptions in proposed Rule 3317(c)(3)(D)(iii) enumerated below, no member organization may execute a sell order for a Pilot Security in Test Group Three at the price of a Protected Bid or execute a buy order for a Pilot Security in Test Group Three at the price of a Protected Offer.

Proposed Rule 3317(c)(3)(D)(iii) would allow member organizations to execute a sell order for a Pilot Security in Test Group Three at the price of a Protected Bid or execute a buy order for a Pilot Security in Test Group Three at the price of a Protected Offer if any of the following circumstances exist:

a. The order is executed as agent or riskless principal by an independent trading unit, as defined under Rule 200(f) of Regulation SHO,[27] of a Trading Center within a member organization that has a displayed quotation as agent or riskless principal, via either a processor or an SRO Quotation Feed, at a price equal to the traded-at Protected Quotation, that was displayed before the order was received,[28] but only up to the

---

specified in the Exemption Request Letters and noted herein. *See* letter from David Shillman, Associate Director, Division of Trading and Markets, Commission to Sherry Sandler, Associate General Counsel, New York Stock Exchange LLC, dated April 25, 2016 (the "Exemption Letter"). The Exchange is seeking the same exemptions as requested in the Exemption Request Letters, including without limitation, an exemption relating to proposed Rule 3317(a)(5).

[23] The Exchange notes that it does not currently operate a retail liquidity program, but has elected to include rule text taken from the plan concerning such programs and Retail Investor Orders under Rule 3317(c) to keep the rule text consistent with the Plan.

[24] Rule 3301(k) describes the minimum price variation for quoting and entry of orders in equity securities listed on the Exchange or a national securities exchange other than the Exchange.

[25] Under the Plan [sic], there is a fourth circumstance under which a security may trade in increments less than $0.05, which applies to trading Pilot Securities in Test Groups Two and Three. The fourth circumstance allows the execution of a customer order to comply with the member's Manning obligation, such as required by FINRA Rule 5320, following the execution of a proprietary trade by the member at an increment other than $0.05, where such proprietary trade was permissible pursuant to an exception under the Plan. FINRA Rule 5320 states:

> (a) Except as provided herein, a member that accepts and holds an order in an equity security from its own customer or a customer of another broker-dealer without immediately executing the order is prohibited from trading that security on the same side of the market for its own account at a price that would satisfy the customer order, unless it immediately thereafter executes the customer order up to the size and at the same or better price at which it traded for its own account.
>
> (b) A member must have a written methodology in place governing the execution and priority of all pending orders that is consistent with the requirements of this Rule and Rule 5310. A member also must ensure that this methodology is consistently applied.

The Exchange does not currently have a Manning rule analogous to FINRA Rule 5320, but will adopt such a rule in the near future. Once approved, the Exchange will amend Rules 3317(c)(2)(C)(iv) and (c)(3)(C)(iv), which are currently held in reserve, to reflect the availability of this additional circumstance by which a trade in increments less than $0.05.

[26] Proposed 3317(c)(3)(D)(i) would define the "Trade-at Prohibition" to mean the prohibition against executions by a Trading Center of a sell order for a Pilot Security at the price of a Protected Bid or the execution of a buy order for a Pilot Security at the price of a Protected Offer during regular trading hours.

[27] The Exchange is proposing that, for proposed Rules 3317(c)(3)(D)(iii)a. and c.[sic], a Trading Center operated by a broker-dealer would mean an independent trading unit, as defined under Rule 200(f) of Regulation SHO, within such broker-dealer. *See* 17 CFR 242.200.

Independent trading unit aggregation is available if traders in an aggregation unit pursue only the particular trading objective(s) or strategy(s) of that aggregation unit and do not coordinate that strategy with any other aggregation unit. Therefore, a Trading Center cannot rely on quotations displayed by that broker dealer from a different independent trading unit. As an example, an agency desk of a broker-dealer cannot rely on the quotation of a proprietary desk in a separate independent trading unit at that same broker-dealer.

[28] The Exchange is proposing to adopt this limitation to ensure that a Trading Center does not display a quotation after the time of order receipt solely for the purpose of trading at the price of a

Continued

full displayed size of that independent trading unit's previously displayed quote;[29]

b. The order is executed by an independent trading unit, as defined under Rule 200(f) of Regulation SHO, of a Trading Center within a member organization that has a displayed quotation for the account of that Trading Center on a principal (excluding riskless principal[30]) basis, via either a processor or an SRO Quotation Feed, at a price equal to the traded-at Protected Quotation, that was displayed before the order was received, but only up to the full displayed size of that independent unit's previously displayed quote;[31]

c. The order is of Block Size[32] at the time of origin and may not be:

A. An aggregation of non-block orders;

B. broken into orders smaller than Block Size prior to submitting the order to a Trading Center for execution; or

C. executed on multiple Trading Centers;[33]

d. The order is a Retail Investor Order executed with at least $0.005 price improvement;

e. The order is executed when the Trading Center displaying the Protected Quotation that was traded at was experiencing a failure, material delay, or malfunction of its systems or equipment;

f. The order is executed as part of a transaction that was not a "regular way" contract;

g. The order is executed as part of a single-priced opening, reopening, or closing transaction on the Exchange;

h. The order is executed when a Protected Bid was priced higher than a Protected Offer in the Pilot Security in Test Group Three;

i. The order is identified as a Trade-at Intermarket Sweep Order;[34]

j. The order is executed by a Trading Center that simultaneously routed Trade-at Intermarket Sweep Orders to execute against the full displayed size of the Protected Quotation that was traded at;[35]

k. The order is executed as part of a Negotiated Trade;

l. The order is executed when the Trading Center displaying the Protected Quotation that was traded at had displayed, within one second prior to execution of the transaction that constituted the Trade-at, a Best Protected Bid or Best Protected Offer, as applicable, for the Pilot Security in Test Group Three with a price that was inferior to the price of the Trade-at transaction;

m. The order is executed by a Trading Center which, at the time of order receipt, the Trading Center had guaranteed an execution at no worse than a specified price (a "stopped order"), where:

A. The stopped order was for the account of a customer;

B. The customer agreed to the specified price on an order-by-order basis; and

C. The price of the Trade-at transaction was, for a stopped buy order, equal to or less than the National Best Bid in the Pilot Security in Test Group Three at the time of execution or, for a stopped sell order, equal to or greater than the National Best Offer in the Pilot Security in Test Group Three at the time of execution, as long as such order is priced at an acceptable increment;[36]

---

protected quotation without routing to that protected quotation.

[29] This proposed exception to Trade-at would allow a Trading Center to execute an order at the Protected Quotation in the same capacity in which it has displayed a quotation at a price equal to the Protected Quotation and up to the displayed size of such displayed quotation.

[30] As described above, proposed Rule 3317(c)(3)(D)(iii)a. would establish the circumstances in which a Trading Center displaying an order as riskless principal would be permitted to Trade-at the Protected Quotation. Accordingly, the Exchange proposes that proposed Rule 3317(c)(3)(D)(iii)b. would exclude such circumstances.

[31] The display exceptions to Trade-at set forth in proposed Rules 3317(c)(3)(D)(iii)a. and b. would not permit a broker-dealer to trade on the basis of interest it is not responsible for displaying. In particular, a broker-dealer that matches orders in the over-the-counter market shall be deemed to have "executed" such orders as a Trading Center for purposes of proposed Rule 3317. Accordingly, if a broker-dealer is not displaying a quotation at a price equal to the Protected Quotation, it could not submit matched trades to an alternative trading center ("ATS") that was displaying on an agency basis the quotation of another ATS subscriber. However, a broker-dealer that is displaying, as principal, via either a processor or an SRO Quotation Feed, a buy order at the protected bid, could internalize a customer sell order up to its displayed size. The display exceptions would not permit a non-displayed Trading Center to submit matched trades to an ATS that was displaying on an agency basis the quotation of another ATS subscriber and confirmed that a broker-dealer would not be permitted to trade on the basis of interest that it is not responsible for displaying.

[32] "Block Size" is defined in the Plan as an order (1) of at least 5,000 shares or (2) for a quantity of stock having a market value of at least $100,000.

[33] Once a Block Size order or portion of such Block Size order is routed from one Trading Center to another Trading Center in compliance with Rule 611 of Regulation NMS, the Block Size order would not lose the Trade-at exemption provided under proposed Rule 3317(c)(3)(D)(iii)c. For example, if an exchange has a Protected Bid of 3,000 shares, with 2,000 shares in reserve, and receives a 5,000 share order to sell, the exchange would be able to execute the entire 5,000 share order without having to route to an away market at any other Protected Bid at the same price. If, however, that exchange only has 1,000 shares in reserve, the entire order would not be able to be executed on that exchange, and the exchange would only be able to execute 3,000 shares and route the rest to away markets at other Protected Bids at the same price, before executing the 1,000 shares in reserve.

[34] In connection with the definition of a Trade-at ISO proposed in Rule 3317(a)(1)(D), this exception refers to the ISO that is received by a Trading Center.

The Exchange proposed an exemption to the Trade-at Prohibition for Trade-at ISOs to clarify that an ISO that is received by a Trading Center (and which could form the basis of an execution at the price of a Protected Quotation pursuant to Section VI(D)(8) of the Plan), is identified as a Trade-at ISO. Depending on whether Rule 611 of Regulation NMS or the Trade-at requirement applies, an ISO may mean that the sender of the ISO has swept better-priced Protected Quotations, so that the recipient of that ISO may trade through the price of the Protected Quotation (Rule 611 of Regulation NMS), or it could mean that the sender of the ISO has swept Protected Quotations at the same price that it wishes to execute at (in addition to any better-priced quotations), so the recipient of that ISO may trade at the price of the Protected Quotation (Trade-at). Given that the meaning of an ISO may differ under Rule 611 of Regulation NMS and Trade-at, the Exchange proposed an exemption to the Trade-at Prohibition for Trade-at ISOs so that the recipient of an ISO in a Test Group Three security would know, upon receipt of that ISO, that the Trading Center that sent the ISO had already executed against the full size of displayed quotations at that price, *e.g.*, the recipient of that ISO could permissibly trade at the price of the Protected Quotation.

[35] In connection with the definition of a Trade-at ISO proposed in Rule 3317(a)(1)(D), this exception refers to the Trading Center that routed the ISO.

[36] The stopped order exemption in Rule 611 of Regulation NMS applies where "[t]he price of the trade-through transaction was, for a stopped buy order, lower than the national best bid in the NMS stock at the time of execution or, for a stopped sell order, higher than the national best offer in the NMS stock at the time of execution" (*see* 17 CFR 242.611(b)(9)). The Trade-at stopped order exception applies where "the price of the Trade-at transaction was, for a stopped buy order, equal to the national best bid in the Pilot Security at the time of execution or, for a stopped sell order, equal to the national best offer in the Pilot Security at the time of execution" (*see* Plan, Section VI(D)(12)).

To illustrate the application of the stopped order exemption as it currently operates under Rule 611 of Regulation NMS and as it is currently proposed for Trade-at, assume the National Best Bid is $10.00 and another protected quote is at $9.95. Under Rule 611 of Regulation NMS, a stopped order to buy can be filled at $9.95 and the firm does not have to send an ISO to access the protected quote at $10.00 since the price of the stopped order must be lower than the National Best Bid. For the stopped order to also be executed at $9.95 and satisfy the Trade-at requirements, the Trade-at exception would have to be revised to allow an order to execute at the price of a protected quote which, in this case, could be $9.95.

Based on the fact that a stopped order would be treated differently under the Rule 611 of Regulation NMS exception than under the Trade-at exception in the Plan, the Exchange believes that it is appropriate to amend the Trade-at stopped order exception in the Plan to ensure that the application of this exception would produce a consistent result under both Regulation NMS and the Plan. Therefore, the Exchange proposes in this proposed Rule 3317(c)(3)(D)(iii)m. to allow a transaction to satisfy the Trade-at requirement if the stopped order price, for a stopped buy order, is equal to or less than the National Best Bid, and for a stopped sell order, is equal to or greater than the National Best Offer, as long as such order is priced at an acceptable increment. The Commission granted

n. The order is for a fractional share of a Pilot Security in Test Group Three, provided that such fractional share order was not the result of breaking an order for one or more whole shares of a Pilot Security in Test Group Three into orders for fractional shares or was not otherwise effected to evade the requirements of the Trade-at Prohibition or any other provisions of the Plan; or

o. The order is to correct a bona fide error, which is recorded by the Trading Center in its error account.[37] A bona fide error is defined as:

A. The inaccurate conveyance or execution of any term of an order including, but not limited to, price, number of shares or other unit of trading; identification of the security; identification of the account for which securities are purchased or sold; lost or otherwise misplaced order tickets; short sales that were instead sold long or vice versa; or the execution of an order on the wrong side of a market;

B. The unauthorized or unintended purchase, sale, or allocation of securities, or the failure to follow specific client instructions;

C. The incorrect entry of data into relevant systems, including reliance on incorrect cash positions, withdrawals, or securities positions reflected in an account; or

D. A delay, outage, or failure of a communication system used to transmit market data prices or to facilitate the delivery or execution of an order.

Finally, proposed Rule 3317(c)(3)(D)(iv) would prevent member organizations from breaking an order into smaller orders or otherwise effecting or executing an order to evade the requirements of the Trade-at Prohibition or any other provisions of the Plan.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[38] in general, and furthers the objectives of Section 6(b)(5) of the Act,[39] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that the proposed rule change is consistent with the Act because it ensures that the Exchange and its member organizations would be in compliance with a Plan approved by the Commission pursuant to an order issued by the Commission in reliance on Section 11A of the Act.[40] Such approved Plan gives the Exchange authority to establish, maintain, and enforce written policies and procedures that are reasonably designed to comply with applicable quoting and trading requirements specified in the Plan. The Exchange believes that the proposed rule change is consistent with the authority granted to it by the Plan to establish specifications and procedures for the implementation and operation of the Plan that are consistent with the provisions of the Plan. Likewise, the Exchange believes that the proposed rule change provides interpretations of the Plan that are consistent with the Act, in general, and furthers the objectives of the Act, in particular.

Furthermore, the Exchange is a Participant under the Plan and subject, itself, to the provisions of the Plan. The proposed rule change ensures that the Exchange's systems would not display or execute trading interests outside the requirements specified in such Plan. The proposal would also help allow market participants to continue to trade NMS Stocks within quoting and trading requirements that are in compliance with the Plan, with certainty on how certain orders and trading interests would be treated. This, in turn, will help encourage market participants to continue to provide liquidity in the marketplace.

Because the Plan supports further examination and analysis on the impact of tick sizes on the trading and liquidity of the securities of small capitalization companies, and the Commission believes that altering tick sizes could result in significant market-wide benefits and improvements to liquidity and capital formation, adopting rules that enforce compliance by its member organizations with the provisions of the Plan would help promote liquidity in the marketplace and perfect the mechanism of a free and open market and national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed changes are being made to establish, maintain, and enforce written policies and procedures that are reasonably designed to comply with the trading and quoting requirements specified in the Plan, of which other equities exchanges are also Participants. Other competing national securities exchanges are subject to the same trading and quoting requirements specified in the Plan. Therefore, the proposed changes would not impose any burden on competition, while providing certainty of treatment and execution of trading interests on the Exchange to market participants in NMS Stocks that are acting in compliance with the requirements specified in the Plan.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

New York Stock Exchange LLC an exemption from Rule 608(c) related to this provision. *See* Exemption Letter, *supra* note 22. The Exchange is seeking the same exemptions as requested in the Exemption Request Letters.

[37] The exceptions to the Trade-at requirement set forth in the Plan and in the Exchange's proposed Rule 3317(c)(3)(D)(iii) are, in part, based on the exceptions to the trade-through requirement set forth in Rule 611 of Regulation NMS, including exceptions for an order that is executed as part of a transaction that was not a "regular way" contract, and an order that is executed as part of a single-priced opening, reopening, or closing transaction by the Trading Center (*see* 17 CFR 242.611(b)(2) and (b)(3)). Following the adoption of Rule 611 of Regulation NMS and its exceptions, the Commission issued exemptive relief that created exceptions from Rule 611 of Regulation NMS for certain error correction transactions. *See* Securities Exchange Act Release No. 55884 (June 8, 2007), 72 FR 32926 (June 14, 2007); Securities Exchange Act Release No. 55883 (June 8, 2007), 72 FR 32927 (June 14, 2007). The Exchange has determined that it is appropriate to incorporate this additional exception to the Trade-at Prohibition, as this exception is equally applicable in the Trade-at context.

Accordingly, the Exchange is proposing to exempt certain transactions to correct bona fide errors in the execution of customer orders from the Trade-at Prohibition, subject to the conditions set forth by the SEC's order exempting these transactions from Rule 611 of Regulation NMS. The Commission granted New York Stock Exchange LLC an exemption from Rule 608(c) related to this provision. *See* Exemption Letter, *supra* note 22. The Exchange is seeking the same exemptions as requested in the Exemption Request Letters.

As with the corresponding exception under Rule 611 of Regulation NMS, the bona fide error would have to be evidenced by objective facts and circumstances, the Trading Center would have to maintain documentation of such facts and circumstances and record the transaction in its error account. To avail itself of the exemption, the Trading Center would have to establish, maintain, and enforce written policies and procedures reasonably designed to address the occurrence of errors and, in the event of an error, the use and terms of a transaction to correct the error in compliance with this exemption. Finally, the Trading Center would have to regularly surveil to ascertain the effectiveness of its policies and procedures to address errors and transactions to correct errors and take prompt action to remedy deficiencies in such policies and procedures. *See* Securities Exchange Act Release No. 55884 (June 8, 2007), 72 FR 32926 (June 14, 2007).

[38] 15 U.S.C. 78f(b).

[39] 15 U.S.C. 78f(b)(5).

[40] 15 U.S.C. 78k–1.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[41] and subparagraph (f)(6) of Rule 19b–4 thereunder.[42]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2016–73 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2016–73. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2016–73, and should be submitted on or before August 9, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[43]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2016–16973 Filed 7–18–16; 8:45 am]

BILLING CODE 8011–01–P

---

[41] 15 U.S.C. 78s(b)(3)(a)(iii).

[42] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[43] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–78314; File No. SR–BatsEDGA–2016–16]

Self-Regulatory Organizations; Bats EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to EDGA Rule 13.4(a), Stating It Will Utilize IEX Market Data From the CQS/UQDF for Purposes of Order Handling, Routing, and Related Compliance Processes

July 13, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 5, 2016, Bats EDGA Exchange, Inc. (the "Exchange" or "EDGA") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to update Rule 13.4(a) regarding the public disclosure of the sources of data that the Exchange utilizes when performing: (i) Order handling; (ii) order routing; and (iii) related compliance processes to reflect the operation of the Investors Exchange LLC ("IEX") as a registered national securities exchange[3] beginning on August 19, 2016.[4]

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On June 17, 2016, the Commission approved IEX's application to register as a national securities exchange.[5] As part of its transition to exchange status, IEX announced that it will commence a symbol-by-symbol roll-out on August 19, 2016, concluding on September 2, 2016.[6] The Exchange, therefore, proposes to update Rule 13.4(a) regarding the public disclosure of the sources of data that the Exchange utilizes when performing: (i) Order handling; (ii) order routing; and (iii) related compliance processes to reflect the operation of IEX as a registered national securities exchange beginning on August 19, 2016. Specifically, the Exchange proposes to amend Rule 13.4 (a) to include IEX by stating it will utilize IEX market data from the CQS/UQDF for purposes of order handling, routing, and related compliance processes.

---

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 78101 (June 17, 2016), 81 FR 41141 (June 23, 2016) ("IEX Approval Order").

[4] *See* Letter from Brad Katsuyama, CEO, IEX, to IEX's Sell-Side and Buy-Side Partners, dated June 17, 2016 (*https://www.iextrading.com/*) (stating that IEX will commence a symbol-by-symbol roll-out on August 19, 2016, concluding on September 2, 2016).

[5] *See supra* note 3.

[6] *See supra* note 4.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5) of the Act,[8] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that its proposal to update Exchange Rule 13.4(a) to include IEX will ensure that the rule correctly identifies and publicly states on a market-by-market basis all of the specific network processor and proprietary data feeds that the Exchange utilizes for the handling, routing, and execution of orders, and for performing the regulatory compliance checks related to each of those functions. The proposed rule change also removes impediments to and perfects the mechanism of a free and open market and protects investors and the public interest because it provides additional specificity, clarity and transparency.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes its proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes the proposal would enhance competition because including all of the exchanges enhances transparency and enables investors to better assess the quality of the Exchange's execution and routing services.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (A) Significantly affect the protection of investors or the public interest; (B) impose any significant burden on competition; and (C) by its terms, become operative for 30 days from the date on which it was filed or such shorter time as the Commission may designate it has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and paragraph (f)(6) of Rule 19b–4 thereunder,[10] the Exchange has designated this rule filing as non-controversial. The Exchange has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (1) Necessary or appropriate in the public interest; (2) for the protection of investors; or (3) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BatsEDGA–2016–16 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BatsEDGA–2016–16. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BatsEDGA–2016–16 and should be submitted on or before August 9, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2016–16970 Filed 7–18–16; 8:45 am]

BILLING CODE 8011–01–P

---

[7] 15 U.S.C. 78f.

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4.

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–78315; File No. SR–C2–2016–012]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to the Automated Improvement Mechanism

July 13, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 13, 2016, C2 Options Exchange, Incorporated (the "Exchange" or "C2") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange seeks to extend the pilot related to the Automated Improvement Mechanism. The text of the proposed rule change is provided below.

(additions are *italicized;* deletions are [bracketed])

* * * * *

C2 Options Exchange, Incorporated Rules

* * * * *

Rule 6.51. Automated Improvement Mechanism ("AIM")

Notwithstanding the provisions of Rule 6.50, a Participant that represents agency orders may electronically execute an order it represents as agent ("Agency Order") against principal interest or against a solicited order provided it submits the Agency Order for execution into the AIM auction ("Auction") pursuant to this Rule.

(a)–(b) No change.

. . . Interpretations and Policies:

.01–.02 No change.

.03 Initially, and for at least a Pilot Period expiring on [July 18, 2016] *January 18, 2017,* there will be no minimum size requirement for orders to be eligible for the Auction. During this Pilot Period, the Exchange will submit certain data, periodically as required by the Commission, to provide supporting evidence that, among other things, there is meaningful competition for all size orders and that there is an active and liquid market functioning on the Exchange outside of the Auction mechanism. Any raw data which is submitted to the Commission will be provided on a confidential basis.

.04–.09 No change.

* * * * *

The text of the proposed rule change is also available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In December 2009, the Securities and Exchange Commission (the "Commission") approved adoption of C2's rules, including the AIM auction process.[5] AIM exposes certain orders electronically to an auction process to provide these orders with the opportunity to receive an execution at an improved price. The AIM auction is available only for orders that a Trading Permit Holder represents as agent ("Agency Order") and for which a second order of the same size as the Agency Order (and on the opposite side of the market) is also submitted (effectively stopping the Agency Order at a given price).[6]

The Commission approved on a pilot basis the component of AIM that there is no minimum size requirement for orders to be eligible for the auction. In connection with the pilot programs, the Exchange has submitted to the Commission reports providing AIM auction and order execution data. Five one-year extensions to the pilot program have previously become effective.[7]

The proposed rule change merely extends the duration of the pilot program until January 18, 2017. Extending the pilot for an additional six months will allow the Commission more time to consider the potential impact of the pilot program on AIM order executions.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[8] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed rule change protects investors and the public interest by allowing for an extension of the AIM pilot program, and thus allowing additional time for the

---

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 61152 (December 10, 2009), 74 FR 66699 (December 16, 2009) (SR–C2–2011–015).

[6] The Exchange first activated AIM on October 17, 2011 for P.M.-settled options on the S&P 500 Index (SPXpm), which are no longer listed on the Exchange. Currently, AIM is not activated for any classes on C2.

[7] See Securities Exchange Act Release Nos. 63238 (November 3, 2010), 75 FR 68844 (November 9, 2010) (SR–C2–2010–008); 64929 (July 20, 2011), 76 FR 44635 (July 26, 2011) (SR–C2–2011–015); 67303 (June 28, 2012), 77 FR 39777 (July 5, 2012) (SR–C2–2012–021); 69868 (June 27, 2013), 78 FR 40235 (July 3, 2013) (SR–C2–2013–023); 72569 (July 9, 2014), 79 FR 41337 (July 15, 2014) (SR–C2–2014–014); and 75473 (July 16, 2015), 80 FR 43503 (July 22, 2015) (SR–C2–2015–020).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *Id.*

Commission to evaluate the AIM pilot program. The AIM pilot program will continue to allow smaller orders to receive the opportunity for price improvement pursuant to the AIM auction. Any additional data provided would help the Commission determine if there is evidence of meaningful competition for all size orders, significant price improvement for orders going through the AIM and an active and liquid market functioning on the Exchange outside of the AIM Auction.

B. Self-Regulatory Organization's Statement on Burden on Competition

C2 does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe the proposed rule change imposes any burden on intramarket competition because it applies to all Trading Permit Holders. All Trading Permit Holders that submit orders into an AIM auction are still subject to the same requirements. In addition, the Exchange does not believe the proposed rule change will impose any burden on intermarket competition, as it merely extends the duration of an existing pilot program, which is available to all market participants through Trading Permit Holders. AIM will continue to function in the same manner as it currently functions for an extended period of time.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[11] and subparagraph (f)(6) of Rule 19b–4 thereunder.[12]

A proposed rule change filed under Rule 19b–4(f)(6)[13] normally does not become operative for 30 days after the date of filing. However, pursuant to Rule 19b–4(f)(6)(iii),[14] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requested that the Commission waive the 30-day operative delay. The Exchange noted that waiver of the 30-day operative delay will allow the Exchange to extend the pilot program prior to its expiration on July 18, 2016. In addition, the Exchange believes that waiver of the operative delay is consistent with the protection of investors and the public interest because it will allow for the least amount of market disruption, as the pilot program will continue as it currently does maintaining the status quo.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the pilot program to continue uninterrupted, thereby avoiding any potential investor confusion that could result from a temporary interruption in the pilot program. Therefore, the Commission designates the proposed rule change to be operative on July 18, 2016.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–C2–2016–012 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–C2–2016–012. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–C2–2016–012, and should be submitted on or before August 9, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2016–16971 Filed 7–18–16; 8:45 am]

BILLING CODE 8011–01–P

---

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] For purposes only of waiving the operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Schedule 13E–4F, SEC File No. 270–340, OMB Control No. 3235–0375

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Schedule 13E–4F (17 CFR 240.13e-102) may be used by an issuer that is incorporated or organized under the laws of Canada to make a cash tender or exchange offer for the issuer's own securities if less than 40 percent of the class of such issuer's securities outstanding that are the subject of the tender offer is held by U.S. holders. The information collected must be filed with the Commission and is publicly available. We estimate that it takes approximately 2 hours per response to prepare Schedule 13E–4F and that the information is filed by approximately 3 respondents annually for a total annual reporting burden of 6 hours (2 hours per response × 3 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: July 13, 2016.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–17001 Filed 7–18–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold an Open Meeting on Friday, July 22, 2016 at 10:30 a.m., in the Auditorium (L–002) at the Commission's headquarters building, to hear oral argument in an appeal from an initial decision of an administrative law judge by respondent Thomas C. Gonnella.

On November 13, 2014, the ALJ found that Respondent violated antifraud provisions, and aided and abetted and caused violations of recordkeeping provisions, of the securities laws while associated with Barclays, a dually registered broker-dealer and investment adviser. Specifically, the ALJ found that Respondent engaged in a fraudulent trading scheme in order to avoid aged-inventory charges that were implemented under Barclays's internal policy and yet retain the securities that were subject to the policy. The ALJ also found that Gonnella's failure to record the transactions properly caused Barclays's books and records to be incomplete and inaccurate and that Gonnella therefore aided and abetted and was a cause of recordkeeping violations.

For these violations, the ALJ suspended Respondent from the securities industry and from participation in penny stock offerings for twelve months, entered a cease-and-desist order, and assessed a civil money penalty of $82,500.

The Division of Enforcement appealed the suspension, and Respondent cross-appealed the findings of violations and sanctions imposed. The issues likely to be considered at oral argument include, among other things, whether Respondent violated the securities laws and, if so, what sanction, if any, is appropriate in the public interest.

For further information, please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: July 15, 2016.

Brent J. Fields,

Secretary.

[FR Doc. 2016–17167 Filed 7–15–16; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–78311; File No. TP 16–9)

Order Granting Limited Exemptions from Exchange Act Rule 10b–17 and Rules 101 and 102 of Regulation M to PowerShares DWA Momentum & Low Volatility Rotation Portfolio Pursuant to Exchange Act Rule 10b–17(b)(2) and Rules 101(d) and 102(e) of Regulation M

July 13, 2016.

By letter dated July 13, 2016 (the ''Letter''), as supplemented by conversations with the staff of the Division of Trading and Markets, counsel for PowerShares Exchange-Traded Fund Trust II (the ''Trust''), on behalf of the Trust, PowerShares DWA Momentum & Low Volatility Rotation Portfolio (the ''Fund''), any national securities exchange on or through which shares issued by the Fund (''Shares'') may subsequently trade, Invesco Distributors, Inc. (the ''Distributor''), and persons or entities engaging in transactions in Shares (collectively, the ''Requestors''), requested exemptions, or interpretive or no-action relief, from Rule 10b–17 of the Securities Exchange Act of 1934, as amended (''Exchange Act''), and Rules 101 and 102 of Regulation M, in connection with secondary market transactions in Shares and the creation or redemption of aggregations of Shares of at least 50,000 shares (''Creation Units'').

The Trust is registered with the Securities and Exchange Commission (''Commission'') under the Investment Company Act of 1940, as amended (''1940 Act''), as an open-end management investment company. The Fund seeks to track the performance of the underlying index, the Dorsey Wright® Multi-Factor Global Equity Index (the ''Index''). The Fund intends to operate as an ''ETF of ETFs'' by seeking to track the performance of its underlying Index through, under normal circumstances,[1] investing at least 90% of its total assets[2] in up to eight ETFs that comprise the Index and one- to six-month Treasury Bills. Except for the fact that the Fund will operate as an ETF of ETFs, the Fund will operate in a manner identical to the ETFs that are included in the Index.

---

[1] The term ''under normal circumstances'' includes, but is not limited to, the absence of adverse market, economic, political, or other conditions, including extreme volatility or trading halts in the securities markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure-type events, such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption, or any similar intervening circumstance.

[2] The remaining ten percent of the Fund's total assets may be invested in securities (including other underlying funds) not included in the underlying Index and in money market instruments or funds that invest exclusively in money market

The Requestors represent, among other things, the following:

- Shares of the Fund will be issued by the Trust, an open-end management investment company that is registered with the Commission;
- The Trust will continuously redeem Creation Units at net asset value ("NAV"), and the secondary market price of the Shares should not vary substantially from the NAV of such Shares;
- Shares of the Fund will be listed and traded on the NASDAQ Stock Market LLC or another exchange in accordance with exchange listing standards that are, or will become, effective pursuant to Section 19(b) of the Exchange Act (the "Exchange"); [3]
- All ETFs in which the Fund is invested will meet all conditions set forth in a relevant class relief letter, will have received individual relief from the Commission, or will be able to rely upon individual relief even though they are not named parties (for example, a no-action letter);
- At least 70% of the Fund is comprised of component securities that will meet the minimum public float and minimum average daily trading volume thresholds under the "actively-traded securities" definition found in Regulation M for excepted securities during each of the previous two months of trading prior to formation of the Fund;
- All of the components of the Index will have publicly available last sale trade information;
- The intra-day proxy value of the Fund per share and the value of the Index will be publicly disseminated by a major market data vendor throughout the trading day;
- On each business day before the opening of business on the Exchange, the Fund's custodian, through the National Securities Clearing Corporation, will make available the list of the names and the numbers of securities and other assets of the Fund's portfolio that will be applicable that day to creation and redemption requests;
- The Exchange or other market information provider will disseminate (i) continuously every 15 seconds throughout the trading day, through the facilities of the consolidated tape, the market value of a Share, and (ii) every 15 seconds throughout the trading day, a calculation of the intra-day indicative value of a Share;
- The arbitrage mechanism will be facilitated by the transparency of the Fund's portfolio and the availability of the intra-day indicative value, the liquidity of securities held by the Fund, and the ability to acquire such securities, as well as the arbitrageurs' ability to create workable hedges;
- The Fund will invest solely in liquid securities;
- The Fund will invest in securities that will facilitate an effective and efficient arbitrage mechanism and the ability to create workable hedges;
- The Trust believes that arbitrageurs are expected to take advantage of price variations between the Fund's market price and its NAV; and
- A close alignment between the market price of Shares and the Fund's NAV is expected.

Regulation M

While redeemable securities issued by an open-end management investment company are excepted from the provisions of Rules 101 and 102 of Regulation M, the Requestors may not rely upon those exceptions for the Shares.[4] However, we find that it is appropriate in the public interest and is consistent with the protection of investors to grant a conditional exemption from Rules 101 and 102 to persons who may be deemed to be participating in a distribution of Shares of the Fund as described in more detail below.

Rule 101 of Regulation M

Generally, Rule 101 of Regulation M is an anti-manipulation rule that, subject to certain exceptions, prohibits any "distribution participant" and its "affiliated purchasers" from bidding for, purchasing, or attempting to induce any person to bid for or purchase any security that is the subject of a distribution until after the applicable restricted period, except as specifically permitted in the Rule. Rule 100 of Regulation M defines "distribution" to mean any offering of securities that is distinguished from ordinary trading transactions by the magnitude of the offering and the presence of special selling efforts and selling methods. The provisions of Rule 101 of Regulation M apply to underwriters, prospective underwriters, brokers, dealers, or other persons who have agreed to participate or are participating in a distribution of securities. The Shares are in a continuous distribution, and, as such, the restricted period in which distribution participants and their affiliated purchasers are prohibited from bidding for, purchasing, or attempting to induce others to bid for or purchase extends indefinitely.

Based on the representations and the facts presented in the Letter, particularly that the Trust is a registered open-end management investment company that will continuously redeem at the NAV Creation Unit size aggregations of the Shares of the Fund and that a close alignment between the market price of Shares and the Fund's NAV is expected, the Commission finds that it is appropriate in the public interest, and consistent with the protection of investors to grant the Trust an exemption under paragraph (d) of Rule 101 of Regulation M with respect to the Fund, thus permitting persons participating in a distribution of Shares of the Fund to bid for or purchase such Shares during their participation in such distribution.[5]

Rule 102 of Regulation M

Rule 102 of Regulation M prohibits issuers, selling security holders, and any affiliated purchaser of such person from bidding for, purchasing, or attempting to induce any person to bid for or purchase a covered security during the applicable restricted period in connection with a distribution of securities effected by or on behalf of an issuer or selling security holder.

Based on the representations and the facts presented in the Letter, particularly that the Trust is a registered open-end management investment company that will redeem at the NAV Creation Unit size aggregations of Shares of the Fund and that a close alignment between the market price of Shares and the Fund's NAV is expected, the Commission finds that it is

---

instruments, subject to applicable limitations under the 1940 Act. Regardless of the representation that the Fund generally will invest at least 90% of its total assets in securities that comprise the underlying Index, the Fund seeks to have a tracking error of less than five percent in any given month over a one-year period.

[3] Further, the Letter states that should the Shares also trade on a market pursuant to unlisted trading privileges, such trading will be conducted pursuant to self-regulatory organization rules that have become effective pursuant to Section 19(b) of the Exchange Act.

[4] While ETFs operate under exemptions from the definitions of "open-end company" under Section 5(a)(1) of the 1940 Act and "redeemable security" under Section 2(a)(32) of the 1940 Act, the Fund and its securities do not meet those definitions.

[5] Additionally, we confirm the interpretation that a redemption of Creation Unit size aggregations of Shares of the Fund and the receipt of securities in exchange by a participant in a distribution of Shares of the Fund would not constitute an "attempt to induce any person to bid for or purchase, a covered security during the applicable restricted period" within the meaning of Rule 101 of Regulation M and therefore would not violate that rule.

appropriate in the public interest, and consistent with the protection of investors to grant the Trust an exemption under paragraph (e) of Rule 102 of Regulation M with respect to the Fund, thus permitting the Fund to redeem Shares of the Fund during the continuous offering of such Shares.

Rule 10b–17

Rule 10b–17, with certain exceptions, requires an issuer of a class of publicly traded securities to give notice of certain specified actions (for example, a dividend distribution) relating to such class of securities in accordance with Rule 10b–17(b). Based on the representations and the facts presented in the Letter, and subject to the conditions below, the Commission finds that it is appropriate in the public interest, and consistent with the protection of investors, to grant the Trust a conditional exemption from Rule 10b–17 because market participants will receive timely notification of the existence and timing of a pending distribution, and thus the concerns that the Commission raised in adopting Rule 10b–17 will not be implicated.[6]

Conclusion

IT IS HEREBY ORDERED, pursuant to Rule 101(d) of Regulation M, that the Trust, based on the representations and facts presented in the Letter, is exempt from the requirements of Rule 101 with respect to the Fund, thus permitting persons who may be deemed to be participating in a distribution of Shares of the Fund to bid for or purchase such Shares during their participation in such distribution.

IT IS FURTHER ORDERED, pursuant to Rule 102(e) of Regulation M, that the Trust, based on the representations and the facts presented in the Letter, is exempt from the requirements of Rule 102 with respect to the Fund, thus permitting the Fund to redeem Shares of the Fund during the continuous offering of such Shares.

IT IS FURTHER ORDERED, pursuant to Rule 10b–17(b)(2), that the Trust, based on the representations and the facts presented in the Letter and subject to the conditions below, is exempt from the requirements of Rule 10b–17 with respect to the transactions in the Shares of the Fund.

This exemptive relief is subject to the following conditions:

- The Trust will comply with Rule 10b–17, except for Rule 10b–17(b)(1)(v)(a) and (b); and
- The Trust will provide the information required by Rule 10b–17(b)(1)(v)(a) and (b) to the Exchange as soon as practicable before trading begins on the ex-dividend date, but in no event later than the time when the Exchange last accepts information relating to distributions on the day before the ex-dividend date.

This exemptive relief is subject to modification or revocation at any time the Commission determines that such action is necessary or appropriate in furtherance of the purposes of the Exchange Act. This exemption is based on the facts presented and the representations made in the Letter. Any different facts or representations may require a different response. Persons relying upon this exemptive relief shall discontinue transactions involving the Shares of the Fund, pending presentation of the facts for the Commission's consideration, in the event that any material change occurs with respect to any of the facts or representations made by the Requestors, and as is the case with all preceding letters, particularly with respect to the close alignment between the market price of Shares and the Fund's NAV. In addition, persons relying on this exemption are directed to the anti-fraud and anti-manipulation provisions of the Exchange Act, particularly Sections 9(a), 10(b), and Rule 10b–5 thereunder.

Responsibility for compliance with these and any other applicable provisions of the federal securities laws must rest with the persons relying on this exemption. This Order should not be considered a view with respect to any other question that the proposed transactions may raise, including, but not limited to, the adequacy of the disclosure concerning, and the applicability of other federal or state laws to, the proposed transactions.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2016–16999 Filed 7–18–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–78312; File No. SR–BOX–2016–30]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Introduce New Risk Protections on the Exchange and Provide Enhancements to Current Risk Protections

July 13, 2016.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 1, 2016, BOX Options Exchange LLC (the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to introduce new risk protections on the Exchange and provide enhancements to current risk protections. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://boxexchange.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

---

[6] We also note that timely compliance with Rule 10b–17(b)(1)(v)(a) and (b) would be impractical in light of the Fund's nature because it is not possible for the Fund to accurately project ten days in advance what dividend, if any, would be paid on a particular record date. Further, the Commission finds, based upon the representations of the Requestors in the Letter, that the provision of the notices as described in the Letter would not constitute a manipulative or deceptive device or contrivance comprehended within the purpose of Rule 10b–17.

[7] 17 CFR 200.30–3(a)(6) and (9).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to introduce new risk protections on the Exchange and provide enhancements to current risk protections designed to aid Participants in their risk management by supplementing current protections with new activity-based protections. In particular, the Exchange proposes to introduce new activity-based protections for orders and quotes, enhancements to the current protections available for Market Makers on the Exchange and provide maximum order and quote quantity.

Maximum Order and Quote Quantity

The Exchange proposes to adopt Rule 7320 (Maximum Order and Quote Quantity) to provide an additional risk protection for orders and quotes entered on BOX. Specifically, the system will prevent orders or quotes from executing or being placed on the BOX Book if the size of the order or quote exceeds the size protection designated by the Participant submitting the order or quote. The size protection is the maximum size of an order or quote that will be accepted by the system and Participants may designate the size protection on a class-by-class basis for non-auction transactions. For auction transactions, the Participant may designate a size protection applicable to all auction types only. For Complex Orders, if any leg fails the validation, then the entire Complex Order is rejected.

In order to provide values for the size protection, Participants must contact the MOC.[3] Additionally, the Exchange will provide default values for the size protection. The most restrictive (*i.e.,* the smallest value) between the Exchange default and Participant-provided value will be used. The Exchange notes that this is not a novel proposal and another exchange already has this feature.[4]

Activity-Based Protections

The Exchange proposes to adopt Rule 7330 (Activity-Based Protections) to provide new risk protections. Specifically, the Exchange is proposing two new risk protections; one will cover executed orders and the other will cover executed orders and quotes.

The Exchange proposes to adopt Rule 7330(a) (Traded Order Protection) to provide new risk protections for orders executed by Participants on the Exchange. The risk protections the Exchange is proposing are similar to those already available on BOX for quotes.[5] The proposed risk protection will maintain a counting program for each participating Participant. Specifically, the Exchange shall maintain traded order counters for: (1) Maximum number of trades from orders,[6] (2) maximum traded order volume,[7] (3) maximum traded order value,[8] (4) delta maximum order volume,[9] and (5) delta maximum order value.[10] Participants can provide values for these five counters and for the Time Interval, as described in further detail below.

When a Participant's order is executed, the system will look back over a specific period of time to determine whether the execution will cause the counters to be incremented. Specifically, if the difference between the time of the current trade and the time of the previous trade from the same Options Participant identification number ("Participant ID") in the same class is greater than the Time Interval,[11] then the counters will be reset before adding the current trade to them. If, however, the difference between the time of the current trade and the time of the previous trade from the same Participant ID in the same class is less than or equal to the Time Interval, then the counters will be incremented for the current trade without resetting them first. For example, assume the Time Interval is 2 seconds. If an order for 10 contracts in ABC is received at 10:31:02 and a second order for 50 contracts in ABC is received at 10:31:03, then the maximum number of trades counter would be incremented by 1 for the second trade and the maximum traded volume counter would be incremented by 50 from the second trade. If, however, the second order was not received until 10:31:05, the system would reset all counters for ABC since the time between the second trade and the previous trade was greater than the Time Interval. After resetting the counters for ABC, the system will increment the maximum number of trades counter by 1 and the maximum traded volume by 50 contracts.

When a counter is triggered because it exceeds the maximum permissible value, all orders for that Participant ID in options on that class are cancelled unless such cancelation is not permitted under other rules.[12] When both the Exchange and a Participant provide values (other than zero) for the parameters, the most restrictive (*i.e.,* the smallest value for the five counters and the highest value for the Time Interval) will be used by the system when determining if a counter has been triggered.

The Exchange proposes to adopt Rule 7330(b) (Traded Activity Protection) to provide enhanced risk protections for orders and quotes. Specifically, the Exchange shall maintain traded activity counters for: (1) Maximum number of trades,[13] (2) maximum traded volume,[14] (3) maximum traded value,[15] (4) delta maximum volume,[16] and (5) delta maximum value.[17] Participants can provide values for these five counters and for the Time Interval, as described in further detail below. These proposed counters are similar to those in proposed Rule 7330(a) with the exception that the counters in the proposed Traded Activity Protection will count orders and quotes executed by a Participant, while the Automatic Order Cancellation only counts executed orders. Additionally, the Traded Activity Protection counts trades for all classes and not on a class-by-class basis as the Automatic Order Cancellation provides.

---

[3] The term "Market Operations Center" or "MOC" means the BOX Market Operations Center, which provides market support for Options Participants during the trading day. *See* Rule 100(a)(31).

[4] *See* Miami International Securities Exchange, LLC ("MIAX") Rule 519(b).

[5] *See* Rule 8130.

[6] The maximum number of trades from orders counter will keep track of total trades in a class.

[7] The maximum traded order volume counter is designed to count the total volume traded in a class.

[8] The maximum traded order value counter is the absolute dollar value of contracts bought and sold in a class.

[9] The delta maximum order volume is the absolute value of the net position in a class between (i) calls purchased and puts sold, and (ii) calls sold and puts purchased.

[10] The delta maximum order value is the absolute value of the net position in a class between (i) calls purchased and sold, (ii) puts and calls purchased; (iii) puts purchased and sold; or (iv) puts and calls sold.

[11] The "Time Interval" is the highest value between the Exchange default and Participant-provided value.

[12] For a counter triggered for the incoming order side, action is taken following the trade that breached the limit. For a counter triggered for the resting order side, action is taken following the complete processing of the incoming order. As mentioned above, if a cancelation is not permitted under other BOX rules, the orders for that Participant ID will remain. For example, under BOX Rule 8050(d), Market Maker bids and offers are firm for the number of contracts specified in the bid or offer.

[13] The maximum number of trades counter will keep track of total trades involving orders and/or quotes in all classes.

[14] The maximum traded volume counter is designed to count the total volume traded involving orders and/or quotes in all classes.

[15] The maximum traded value counter is the absolute dollar value of contracts bought and sold in a class from trades involving orders and/or quotes.

[16] The delta maximum volume is the absolute value of the net position in all classes between (i) calls purchased and puts sold, and (ii) calls sold and puts purchased, for trades involving orders and/or quotes.

[17] The delta maximum value is the absolute value of the net position in all classes between (i) calls purchased and sold, (ii) puts and calls purchased; (iii) puts purchased and sold; or (iv) puts and calls sold, for trades involving orders and/or quotes.

When a Participant's order and/or quote is executed, the system will look back over a specific period of time to determine whether the execution will cause the counters to be incremented. Specifically, if the difference between the time of the current trade and the time of the previous trade from the same Participant ID is greater than the Time Interval,[18] then the counters will be reset before adding the current trade to them. If, however, the difference between the time of the current trade and the time of the previous trade from the same Participant ID is less than or equal to the Time Interval, then the counters will be incremented for the current trade.

When a counter is triggered because it exceeds the maximum permissible value, all orders and quotes for that Participant ID in all classes are cancelled unless such cancelation is not permitted under other rules.[19] When both the Exchange and a Participant provide values (other than zero) for the parameters, the most restrictive (*i.e.,* the smallest value for the five counters and the highest value for the Time Interval) will be used by the system when determining if a counter has been triggered. A Participant may also elect for the system to lock-out the Participant ID when a counter is triggered or if the Exchange default requires a lock-out. When a lock-out is triggered, the system will prevent that Participant ID from submitting orders and/or quotes. Additionally, any request from that Participant ID to initiate an auction will be prevented. To submit orders and/or quotes to the Exchange after the lock-out is triggered, a Participant must call the MOC[20] directly to unlock the Participant ID. The Exchange notes that activity-based protections are not novel and other exchanges, including BOX, already have activity-based risk protections.[21] Additionally, the Exchange notes that the unlock feature mentioned above is not novel, as another exchange already has a similar feature as well.[22]

The Activity-based Protections are available to all Participants and are enabled when a Participant contacts the MOC and provides values for the parameters. The Exchange may also enable these features and provide default values for the parameters.

Global Counter

The last new protection mechanism that the Exchange is proposing is a Global Counter.[23] The Global Counter will count the number of triggering events across the Exchange's protection mechanisms per Participant ID. Specifically, under proposed Rule 7340 the system will count the number of triggering events from the Traded Order Protection, Traded Activity Protection and Automatic Quote Cancellation mechanisms. If the difference between the time of the current triggering event and the time of the previous triggering event from the same Participant ID is greater than the Global Counter Time Interval, as described below, then the Global Counter will be reset before adding the current triggering event to it. If, however, the difference between the time of the current triggering event and the time of the previous triggering event from the same Participant ID is less than or equal to the Global Counter Time Interval, then the Global Counter will be incremented without resetting the Global Counter first.

If multiple counters within the same category of protection are triggered by the same trade, the Global Counter will only be incremented by one. If, however, multiple counters from different categories of protection are triggered by the same trade, the Global Counter will be incremented by one for each category of protection, regardless of the number of counters within the same category of protection that were triggered. For example, if the maximum traded order volume counter for the Traded Order Protections and the maximum traded volume for the Trade Activity Protection are triggered by the same trade, then the Global Counter will only be incremented by one.

Participants will be allowed to provide a limit for the Global Counter ("Global Limit") and the Exchange will also provide a default value for the Global Limit. If the Global Counter is triggered because it has reached or exceeded the Global Limit, the system will cancel all orders and/or quotes belonging to that Participant and the counter is reset. When determining if the Global Counter has been triggered, the system will use the most restrictive value for the Global Limit (*i.e.,* the smallest value) between the Exchange default and Participant-provided limit. A Participant may also elect for the system to lock-out the Participant ID when the Global Counter is triggered or if the Exchange default requires a lock-out. When a lock-out is triggered, the system will prevent that Participant ID from submitting orders and/or quotes. Additionally, any request from that Participant ID to initiate an auction will be prevented.

The Global Counter is available to all Participants and is enabled when a Participant contacts the MOC and provides values for the parameters. The Exchange may also enable this feature and provide default values for the parameters. The Exchange notes that the proposed Global Counter is not novel and another exchange has a similar counting program on its exchange.[24]

Automatic Quote Cancellation

Currently, the Exchange offers activity-based protections for Market Makers. Specifically, Rule 8130 (Automatic Quote Cancellation) provides activity-based protections for a Market Maker's quoting activity. The Automatic Quote Cancellation mechanism contains numerous triggering parameters for which a Market Maker can provide values. The Exchange is now proposing to amend the Automatic Quote Cancellation mechanism by adding an additional triggering parameter. Specifically, the Exchange is proposing to add a parameter that tracks the percentage of the Market Maker's quote that is traded. The Exchange notes that this is not a novel proposal and another exchange already has this feature.[25] Additionally, the Exchange is proposing that it may provide default values for some or all of the parameters in Rule 8130; however, any Participant-provided value will override any Exchange defaults.

Additionally, the Exchange is proposing to provide clarity on when the counters will be reset. Specifically, the counters in Rule 8130 are reset when (i) the Participant provides an update to the value of one of the parameters, (ii) the time interval between a trade and its previous trade surpasses the time period, or (iii) the triggering of any of the time related counters.

---

[18] The "Time Interval" is the highest value between the Exchange default and Participant-provided value.

[19] For a counter triggered for the incoming order or quote side, action is taken following the trade that breached the limit. For a counter triggered for the resting order or quote side, action is taken following the complete processing of the incoming order or quote. As mentioned above, if a cancelation is not permitted under other BOX rules, the orders for that Participant ID will remain. For example, under BOX Rule 8050(d), Market Maker bids and offers are firm for the number of contracts specified in the bid or offer.

[20] The term "MOC" or "Market Operations Center" means the BOX Market Operations Center, which provides market support for Options Participants during the trading day.

[21] *See* MIAX Rule 519A and BOX Rule 8130.

[22] *See* MIAX Rule 519A(b). MIAX's Risk Protection Monitor will remain engaged until the member communicates with the exchange's help desk to enable the acceptance of new orders.

[23] *See* Proposed Rule 7340 (Global Counter).

[24] *See* MIAX Rule 612.02(b).

[25] *See* MIAX Rule 612(b)(1).

Quote Removal Mechanism Upon Technical Disconnect

The Exchange is proposing to amend Rule 8140 to provide that when a Market Maker is disconnected from the Trading Host, the Market Maker's quotes will be cancelled. As part of this proposed change, the Exchange is proposing to remove one of the triggering parameters currently in Rule 8130. Specifically, the Exchange is proposing to remove the first triggering parameter for when a Market Maker experiences a duration of no technical connectivity for between one and nine seconds. The Exchange believes that this parameter is no longer needed since the Exchange's proposed change for Rule 8140 will cover when a Market Maker is disconnected.

The Exchange will provide Participants with notice, via Information Circular, about the implementation date of these proposed enhancements to the protections offered by the Exchange. Additionally, any changes to any Exchange provided defaults will be communicated to Participants via Information Circular.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Securities Exchange Act of 1934 (the "Act"),[26] in general, and Section 6(b)(5) of the Act,[27] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by enhancing the risk protections available to Participants. The proposed rule filing promotes policy goals of the Commission which has encouraged execution venues, exchange and non-exchange alike, to enhance risk protection tools and other mechanisms to decrease risk and increase stability.

The individual firm benefits of enhanced risk protections flow downstream to counterparties both at the Exchange and at other options exchanges, thereby increasing systemic protections as well. Additionally, because the Exchange offers these risk tools to all Participants, the Exchange believes it will encourage liquidity generally and remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest.

These risk protections, as noted above, will be offered to all Participants on BOX. The Exchange further represents that its proposal will operate consistently with the firm quote obligations of a broker-dealer pursuant to Rule 602 of Regulation NMS. Specifically, for a counter triggered for the resting order or quote side, action is taken following the complete processing of the incoming order or quote. Additionally, a Market Maker's obligation to provide continuous two-sided quotes on a daily basis is not diminished by the removal of such quotes through one of the risk protections. A Market Maker will be required to provide continuous two-sided quotes on a daily basis.

The Exchange believes that the proposed rule change will assist with the maintenance of a fair and orderly market by establishing new activity-based risk protections for orders and quotes. The Exchange believes that these proposed risk protections, in addition to the current risk protections available on the Exchange, will enable Participants to better manage their risk when trading on the Exchange. BOX believes the proposed risk controls will remove impediments to and perfect the mechanism of a free and open market by providing Participants with greater control over their activity.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. BOX believes the proposal will provide market participants with additional protections while submitting orders and quotes to the Exchange. The Exchange does not believe the proposal will impose a burden on competition among the options exchanges, because of vigorous competition for order flow among the options exchanges. The Exchange competes with many other options exchanges. In this highly competitive market, market participants can easily and readily direct order flow to competing venues. The proposal does not impose an undue burden on intramarket competition because all Participants may avail themselves of the risk controls on the Exchange. Additionally, the proposed activity-based protections are similar to those available on competing exchanges.[28] For these reasons, the Exchange does not believe this proposal imposes an undue burden on inter-market competition; rather, the proposed rule changes will have no impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[29] and Rule 19b–4(f)(6) thereunder.[30] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[31] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[32] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the Exchange may provide Participants with additional risk protections while trading on the Exchange without undue delay. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[33]

---

[26] 15 U.S.C. 78f(b).

[27] 15 U.S.C. 78f(b)(5).

[28] *See supra* notes 4, 20 and 22.

[29] 15 U.S.C. 78s(b)(3)(A)(iii).

[30] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[31] 17 CFR 240.19b–4(f)(6).

[32] 17 CFR 240.19b–4(f)(6)(iii).

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BOX–2016–30 on the subject line.

Paper Comments

- Send paper comments in triplicate toecretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BOX–2016–30. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method.

The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, on official business days between the hours of 10:00 a.m. and 3:00 p.m., located at 100 F Street, NE., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BOX–2016–30 and should be submitted on or before August 9, 2016.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2016–16974 Filed 7–18–16; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Friday, July 22, 2016 at 11:30 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Piwowar, as duty officer, voted to consider the items listed for the Closed Meeting in closed session.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;
Institution and settlement of administrative proceedings;
Adjudicatory matters;
Opinion; and
Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: July 15, 2016.

Brent J. Fields,

Secretary.

[FR Doc. 2016–17168 Filed 7–15–16; 4:15 pm]

BILLING CODE 8011–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Public Comments To Compile the National Trade Estimate Report on Foreign Trade Barriers

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: Pursuant to section 181 of the Trade Act of 1974, as amended (19 U.S.C. 2241), the Office of the United States Trade Representative (USTR) is required to publish annually the National Trade Estimate Report on Foreign Trade Barriers (NTE). With this notice, the Trade Policy Staff Committee (TPSC) is requesting interested persons to submit comments to assist it in identifying significant barriers to U.S. exports of goods, services, and U.S. foreign direct investment for inclusion in the NTE. The TPSC invites written comments from the public on issues that USTR should examine in preparing the NTE.

Section 1377 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3106) ("Section 1377") requires the USTR to review annually the operation and effectiveness of all U.S. trade agreements regarding telecommunications products and services that are in force with respect to the United States. USTR is collecting information regarding the trade barriers pertinent to the conduct of the review called for in Section 1377 through this notice.

DATES: Public comments are due not later than 11:59 p.m., October 27, 2016.

ADDRESSES: Submissions should be made via the Internet at *www.regulations.gov* docket number USTR 2016–0007. For alternatives to on-line submissions please contact Yvonne Jamison (202) 395–3475. The public is strongly encouraged to file submissions electronically rather than by facsimile or mail.

---

[33] For purposes only of waiving the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[34] 17 CFR 200.30–3(a)(12).

FOR FURTHER INFORMATION CONTACT: Questions regarding this notice should be directed to Yvonne Jamison at (202) 395–3475.

SUPPLEMENTARY INFORMATION: The NTE sets out an inventory of the most important foreign barriers affecting U.S. exports of goods and services, U.S. foreign direct investment, and protection of intellectual property rights. The inventory facilitates U.S. negotiations aimed at reducing or eliminating these barriers. The report also provides a valuable tool in enforcing U.S. trade laws and strengthening the rules-based trading system. The 2016 NTE Report may be found on USTR's Internet Home Page (*http://www.ustr.gov*) under the tab "Reports". To ensure compliance with the NTE's statutory mandate and the Obama Administration's commitment to focus on the most significant foreign trade barriers, USTR will be guided by the existence of active private sector interest in deciding which restrictions to include in the NTE.

Topics on Which the TPSC Seeks Information: To assist USTR in preparing the NTE, commenters should submit information related to one or more of the following categories of foreign trade barriers:

(1) Import policies (*e.g.,* tariffs and other import charges, quantitative restrictions, import licensing, and customs barriers);

(2) Government procurement restrictions (*e.g.,* "buy national policies" and closed bidding);

(3) Export subsidies (*e.g.,* export financing on preferential terms, subsidies provided to equipment manufacturers contingent on export and agricultural export subsidies that displace U.S. exports in third country markets);

(4) Lack of intellectual property protection (*e.g.,* inadequate patent, copyright, and trademark regimes);

(5) Services barriers (*e.g.,* limits on the range of financial services offered by foreign financial institutions, regulation of international data flows, restrictions on the use of data processing, quotas on imports of foreign films, unnecessary or discriminatory technical regulations or standards for telecommunications services and barriers to the provision of services by professionals);

(6) Investment barriers (*e.g.,* limitations on foreign equity participation and on access to foreign government-funded R&D consortia, local content, technology transfer and export performance requirements, and restrictions on repatriation of earnings, capital, fees, and royalties);

(7) Government-tolerated anticompetitive conduct of state-owned or private firms that restrict the sale or purchase of U.S. goods or services in the foreign country's markets;

(8) Trade restrictions affecting electronic commerce (*e.g.,* tariff and non-tariff measures, burdensome and discriminatory regulations and standards, and discriminatory taxation);

(9) Trade restrictions implemented through unwarranted Sanitary and Phytosanitary Measures, including unwarranted measures justified for purposes of protecting food safety, and animal and plant life or health;

(10) Trade restrictions implemented through unwarranted standards, conformity assessment procedures, or technical regulations (Technical Barriers to Trade) that may have as their objective protecting national security requirements, preventing deceptive practices, or protecting human health or safety, animal or plant life or health, or the environment, but that can be formulated or implemented in ways that create significant barriers to trade (including unnecessary or discriminatory technical regulations or standards for telecommunications products); and

(11) Other barriers (*e.g.,* barriers that encompass more than one category, such as bribery and corruption, or that affect a single sector).

In addition, Section 1377 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3106) ("Section 1377") requires the USTR to review annually the operation and effectiveness of all U.S. trade agreements regarding telecommunications products and services that are in force with respect to the United States. The purpose of the review is to determine whether any act, policy, or practice of a country that has entered into a trade agreement or other telecommunications trade agreement with the United States is inconsistent with the terms of such agreement or otherwise denies U.S. firms, within the context of the terms of such agreements, mutually advantageous market opportunities for telecommunications products and services. USTR is collecting the information with regard to the trade barriers pertinent to the Section 1377 review through this notice.

Furthermore, commenters are invited to identify those barriers covered in submissions that may operate as "localization barriers to trade". Localization barriers are measures designed to protect, favor, or stimulate domestic industries, services providers, and or intellectual property at the expense of goods services or intellectual property from other countries, including the provision of subsidies linked to local production. For more information on localization barriers, please go to *http://www.ustr.gov/trade-topics/localization-barriers* .

In responding to this notice, commenters should place particular emphasis on any practices that may violate U.S. trade agreements. The TPSC is also interested in receiving new or updated information pertinent to the barriers covered in the 2016 NTE as well as information on new barriers. If USTR does not include in the NTE information that it receives pursuant to this notice, it will maintain the information for potential use in future discussions or negotiations with trading partners.

Estimate of Increase in Exports: Each comment should include an estimate of the potential increase in U.S. exports that would result from removing any foreign trade barrier the comment identifies, as well as a description of the methodology the commenter used to derive the estimate. Estimates should be expressed within the following value ranges: Less than $5 million; $5 to $25 million; $25 million to $50 million; $50 million to $100 million; $100 million to $500 million; or over $500 million. These estimates will help USTR conduct comparative analyses of a barrier's effect over a range of industries.

Requirements for Submissions: Commenters providing information on foreign trade barriers in more than one country should, whenever possible, provide a separate submission for each country. In order to ensure the timely receipt and consideration of comments, USTR strongly encourages commenters to make on-line submissions, using the *http://www.regulations.gov* Web site.

Comments should be submitted under docket number USTR 2016–0007. Persons submitting comments must do so in English and must identify (on the first page of the submission) "Comments Regarding Foreign Trade Barriers To U.S. Exports for 2017 Reporting."

In order to be assured of consideration, comments should be submitted by 11:59 p.m., October 27, 2016. In order to ensure the timely receipt and consideration of comments, USTR strongly encourages commenters to make on-line submissions, using the *www.regulations.gov* Web site. To submit comments via *www.regulations.gov* enter docket number USTR 2016–0007 on the home page and click "search." The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice and click on the link entitled "Comment Now!" (For further information on using the *www.regulations.gov* Web site, please consult the resources provided on the Web site by clicking on ''How to Use This Site'' on the left side of the home page).

The *www.regulations.gov* Web site allows users to provide comments by filling in a ''Type Comment'' field, or by attaching a document using an ''Upload File'' field. USTR prefers that comments be provided in an attached document. If a document is attached, please identify the name of the country to which the submission pertains in the ''Type Comment'' field. For example: ''See attached comments with respect to (name of country)''. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in the ''Type Comment'' field. For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters ''BC''. Any page containing business confidential must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page. Filers of submissions containing business confidential information must also submit a public version of their comments. The file name of the public version should begin with the character ''P''. The ''BC'' and ''P'' should be followed by the name of the person or entity submitting the comments or reply comments. Filers submitting comments containing no business confidential information should name their file using the name of the person or entity submitting the comments. Please do not attach separate cover letters to electronic submissions; rather include any information that might appear in a cover letter in the comments themselves. Similarly to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the submission itself, not as separate files.

As noted, USTR strongly urges submitters to file comments through *www.regulations.gov,* if at all possible. Any alternative arrangements must be made with Ms. Jamison in advance of transmitting a comment. Ms. Jamison should be contacted at (202) 395–3475. General information concerning USTR is available at *www.ustr.gov.* Comments will be placed in the docket and open to public inspection, except confidential business information. Comments may be viewed on the *http://www.regulations.gov* Web site by entering the relevant docket number in the search field on the home page.

Edward Gresser,

Chair, Trade Policy Staff Committee.

[FR Doc. 2016–16985 Filed 7–18–16; 8:45 am]

BILLING CODE 3290–F6–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2016–78]

Petition for Exemption; Summary of Petition Received; Homeland Surveillance and Electronics LLC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before August 8, 2016.

ADDRESSES: Send comments identified by docket number FAA–2015–1533 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Dan Ngo, (202) 267–4264, 800 Independence Avenue SW., Washington, DC 20591. This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on July 13, 2016.

Dale Bouffiou,

Acting Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2015–1533.

Petitioner: Homeland Surveillance and Electronics LLC.

Section(s) of 14 CFR Affected: 14 CFR 45.27(a), 61.113(a)(b), 91.7(a),91.105, 91.119(c), 91.121, 91.151(b), 91.405(a), 91.407(a)(1), 91.409(a)(1)(2), 91.417(a)(b), 137.19(d); 137.19(e)(2)(ii), (iii), and (v); 137.31(a)(b); 137.33(a); and 137.42.

Description of Relief Sought: The petitioner is requesting relief in order to fly the HSE–UAV AG–V6A+ aircraft, which has a maximum payload weight over 55 pounds, as well as the HSE–UAV VA Sprayer series, including the HSE–UAV AG–V6A, the HSE–UAV AG–V6A+ V2, and the HSE–UAV AG–8A for the purposes of product demonstration and agricultural related services under Part 137.

[FR Doc. 2016–16991 Filed 7–18–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2016–74]

Petition for Exemption; Summary of Petition Received; Area-I, Incorporated

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process.

Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before August 8, 2016.

ADDRESSES: Send comments identified by docket number FAA–2015–3039 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Dan Ngo, (202) 267–4264, 800 Independence Avenue SW., Washington, DC 20591. This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on July 13, 2016.

Dale Bouffiou,

Acting Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2015–3039.

Petitioner: Area-I, Incorporated.

Section(s) of 14 CFR Affected: 21, §§ 45.11, 91.9, 91.203(a)(l), and 91.203(b).

Description of Relief Sought: The petitioner is requesting relief in order to be able to use the PTERA UAS (weighs 180 pounds) for testing and evaluating purposes.

[FR Doc. 2016–16989 Filed 7–18–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2016–80]

Petition for Exemption; Summary of Petition Received; Flirtey Inc.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before August 8, 2016.

ADDRESSES: Send comments identified by docket number FAA–2015–7185 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Dan Ngo, (202) 267–4264, 800 Independence Avenue SW., Washington, DC 20591. This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on July 13, 2016.

Dale Bouffiou,

Acting Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2015–7185.

Petitioner: Flirtey Inc.

Section(s) of 14 CFR Affected: 21 and §§ 45.23(b); 61.23(a)(c); 61.101(e)(4)(5); 61.113(a)(b); 61.315(a)(c); 91.7(a); 91.119(c)(d); 91.121; 91.151(a)(1); 91.405(a); 91.407(a)(1); 91.409(a)(1)(2); and 91.417(a)(b).

Description of Relief Sought: The petitioner is requesting UAS delivery operations for urgent medical, food, and logistics industries and research and development.

[FR Doc. 2016–16990 Filed 7–18–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2016–79]

Petition for Exemption; Summary of Petition Received; Continuum Dynamics Inc.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before August 8, 2016.

ADDRESSES: Send comments identified by docket number FAA–2015–7147 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Dan Ngo, (202) 267–4264, 800 Independence Avenue SW., Washington, DC 20591. This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on July 13, 2016.

Dale Bouffiou,

Acting Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2015–7147.

Petitioner: Continuum Dynamics Inc.

Section(s) of 14 CFR Affected: 21, and §§ 45.23, 45.29, 61.23, 61.3, 61.113(a)(b), 61.133(a), 91.7(a), 91.9, 91.109 (a), 91.119, 91.121, 91.151(a), 91.203, and 91.401–91.417.

Description of Relief Sought: The petitioner is requesting relief in order to offer an agricultural spraying demonstration with the T-Rex 600 RC helicopter.

[FR Doc. 2016–16988 Filed 7–18–16; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0060; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming Model Year 2011 Ducati Multistrada Motorcycles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Receipt of petition.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that model year (MY) 2011 Ducati Multistrada Motorcycles (MCs) that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS), are eligible for importation into the United States because they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards (the U.S.-certified version of the 2011 Ducati Multistrada Motorcycles) and they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is August 18, 2016.

ADDRESSES: Comments should refer to the docket and notice numbers above and be submitted by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail: Docket Management Facility:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251

Instructions: Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

How to Read Comments submitted to the Docket: You may read the comments received by Docket Management at the address and times given above. You may also view the documents from the Internet at *http://www.regulations.gov.* Follow the online instructions for accessing the dockets. The docket ID number and title of this notice are shown at the heading of this document notice. Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically search the Docket for new material.

FOR FURTHER INFORMATION CONTACT: George Stevens, Office of Vehicle Safety Compliance, NHTSA (202–366–5308).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register.**

Skytop Rover Co. (Skytop), of Philadelphia, Pennsylvania (Registered Importer R–06–343) has petitioned NHTSA to decide whether nonconforming 2011 Ducati Multistrada MCs are eligible for importation into the United States. The vehicles which Skytop believes are substantially similar are MY 2011 Ducati Multistrada MCs sold in the United States and certified by their manufacturer as conforming to all applicable FMVSS.

The petitioner claims that it compared non-U.S. certified MY 2011 Ducati Multistrada MCs to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most FMVSS.

Skytop submitted information with its petition intended to demonstrate that non-U.S. certified MY 2011 Ducati Multistrada MCs, as originally manufactured, conform to many applicable FMVSS in the same manner as their U.S.-certified counterparts, or are capable of being readily altered to conform to those standards. Specifically, the petitioner claims that the non U.S.-certified MY 2011 Ducati Multistrada MCs, as originally manufactured, conform to: Standard Nos. 106 *Brake Hoses,* 111 *Rear Visibility,* 116 *Motor Vehicle Brake Fluids,* and 122 *Motorcycle Brake Systems.*

The petitioner also contends that the subject non-U.S certified vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 108 Lamps, Reflective Devices and Associated Equipment: Inspection of each vehicle and replacement of non-conforming components with U.S.-model components on any vehicle not already so equipped.

Standard No. 120 Tire Selection And Rims And Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles With a GVWR of More Than 4,536 Kilograms (10,000 Pounds): Installation of the required tire information placard.

Standard No. 123 Motorcycle Controls and Displays: Inspection of each vehicle and replacement of non-conforming speedometers with U.S.-model components on vehicles not already so equipped.

Standard No. 205 Glazing Materials: Inspection of each vehicle and removal of noncompliant glazing or replacement with U.S. certified glazing.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above addresses both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A), (a)(1)(B), and (b)(1); 49 CFR 593.7; delegation of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2016–16935 Filed 7–18–16; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2015–0119]

Public Meeting Concerning Test Device for Human Occupant Restraint (THOR)

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Announcement of public meeting.

SUMMARY: NHTSA is announcing a public meeting to present the qualification and seating procedures for the Test Device for Human Occupant Restraint (THOR) 50th percentile male anthropomorphic test device (ATD). The meeting will include NHTSA presentations outlining the qualification and seating procedures the agency has been using and will provide opportunities for the attendees to ask questions on the technical aspects of the procedures.

DATES: NHTSA will hold the public meeting over two days. The first day will focus on seating procedures, and will begin at 9:00 a.m. and continue until 3:00 p.m. on Wednesday, August 31, 2016. The second day will focus on qualification procedures, and will begin at 9:00 a.m. and continue until 3:00 p.m. on Thursday, September 1, 2016. Each day will include two sessions: First, a technical information session that will occur in a conference room; second, a practical session which will take place in a lab environment. The public technical meeting will be held at the location indicated in the **ADDRESSES** section below. Registration will be closed once the maximum capacity of 60 attendees is reached, or 5 business days before the meeting, whichever comes first. Please submit all written comments no later than October 1, 2016.

ADDRESSES: The public meeting will be held at the National Highway Traffic Safety Administration Vehicle Research and Test Center, 10820 State Route 347—Bldg. 60, East Liberty, Ohio 43319.

FOR FURTHER INFORMATION CONTACT: If you would like to attend the public meeting, please contact Dr. Kevin Moorhouse by the date specified under **DATES**, at: Office of Vehicle Safety Research, Applied Biomechanics Division, Vehicle Research and Test Center, 10820 State Route 347, East Liberty, OH 43319; telephone number: (937) 666–3283; email address: *kevin.moorhouse@dot.gov* (preferred method of registration). Please send your name, affiliation, phone number, email address, and any accommodations you may need, such as a sign language interpreter or translator.

Written comments. You may submit comments to the docket number NHTSA–2015–0119 by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

Instructions: All submissions must include the agency name and docket number. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act discussion below.

Docket: For access to the docket, go to *http://www.regulations.gov* at any time or to 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. Telephone: (202) 366–9826.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act

Statement in the **Federal Register** published on April 11, 2000, (Volume 65, Number 70; Pages 19477–78) or you may visit *http://www.dot.gov/privacy.html.*

Confidential Business Information: If you wish to submit information under a claim of confidentiality, you should submit two copies of your complete submission and one copy of the submission containing only the portions for which no claim of confidential treatment is made and from which those portions for which confidential treatment is claimed have been redacted, to the Office of Chief Counsel (NCC–100), National Highway Traffic Safety Administration, Room W41–227, 1200 New Jersey Avenue SE., Washington, DC 20590. You should include a cover letter setting forth the information specified in our confidential business information regulation (49 CFR part 512). In addition, you should submit two copies from which you have redacted the claimed confidential business information to Docket Management at the address given above.

SUPPLEMENTARY INFORMATION: The Test Device for Human Occupant Restraint 50th percentile male (THOR–50M) is an advanced anthropomorphic test device (ATD, or test dummy). It is designed to better represent the interaction of automotive occupants with modern and sophisticated restraint systems, such as force-limited three-point belts and air bags, which have become standard equipment. The purpose of this public meeting is to provide a demonstration of the qualification procedures and seating procedures for the THOR–50M ATD and answer questions that the public may have regarding the implementation of these procedures. Topics for discussion at the public meeting are limited to qualification procedures and seating procedures.

Registration is required for all attendees. Please see registration instructions under **DATES** and **FOR FURTHER INFORMATION CONTACT.** Should it be necessary to cancel the public meeting due to inclement weather or any other emergencies, a decision to cancel will be made as soon as possible and emailed to the registered attendees. If you do not have access to email, you may call the contacts listed in this announcement and leave your telephone number and/or email address. You will be contacted only if the public meeting is postponed or canceled.

Written comments can be submitted to the docket. See information under **DATES** and **FOR FURTHER INFORMATION CONTACT**. The final agenda, as well as material presented at the public meeting, will be posted to the NHTSA Web site at *http://www.nhtsa.gov/Research/Biomechanics+&+Trauma/THOR+50th+Male+ATD.* The agenda will be posted one week prior to the public meeting. The public meeting will include NHTSA and NHTSA contractor presentations outlining the content and basis of the procedures, followed by a practical demonstration in a lab environment.

Public Meeting Procedures: Because the meeting will be located in a lab environment, NHTSA requests that the number of those attending from each affiliation be limited to two (2). Once the maximum capacity of 60 attendees is reached, registration will be closed. For security purposes, photo identification is required to enter NHTSA's Vehicle Research and Test Center.

There will be an opportunity for attendees to ask NHTSA questions related to the technical aspects of the qualification and seating procedures.

Nathaniel Beuse,

Associate Administrator for Vehicle Safety Research.

[FR Doc. 2016–16949 Filed 7–18–16; 8:45 am]

BILLING CODE 4910–59–P

Reader Aids

Federal Register

Vol. 81, No. 138

Tuesday, July 19, 2016

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.fdsys.gov.**

Federal Register information and research tools, including Public Inspection List, indexes, and Code of Federal Regulations are located at: **www.ofr.gov.**

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **http://listserv.access.gpo.gov** and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings);* then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, JULY

42983–43462	1
43463–43926	5
43927–44206	6
44207–44488	7
44489–44758	8
44759–44980	11
44981–45224	12
45225–45386	13
45387–45962	14
45963–46566	15
46567–46826	18
46827–47000	19

CFR PARTS AFFECTED DURING JULY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
9466 44127
9467 45385
Executive Orders:
13732 44485

5 CFR

185 46827

6 CFR

27 42987

7 CFR

2 45963
319 45387
925 44759
932 46567
989 44761
1590 43006
1942 43927
Proposed Rules:
319 44801
981 46616
1220 45984
1260 45984

8 CFR

270 42987
274a 42987
280 42987

9 CFR

309 46570
327 45225
Proposed Rules:
93 46619
94 .... 43115, 46619
95 46619
96 46619
98 46619

10 CFR

2 43019
13 43019
171 45963
429 .... 43404, 45387, 46768
430 .... 43404, 45387, 46768
Proposed Rules:
20 43959

12 CFR

19 43021
109 43021
1002 44764
1209 43028
1217 43031
1250 43028
Proposed Rules:
1016 44801
1232 43530

14 CFR

1 43463
11 43463
13 43463
23 .... 43469, 45965
25 .... 43471, 45405, 45968
39 .... 43037, 43472, 43475, 43479, 43481, 43483, 44207, 44489, 44492, 44494, 44496, 44499, 44503, 44981, 44983, 44987, 44990, 44994, 44996
71 .... 43038, 45407
97 .... 44765, 44767
121 43463
125 43463
135 43463
382 43463
406 43463
1214 43040
Proposed Rules:
39 .... 43120, 43122, 44232, 44235, 44238, 44241, 44244, 44246, 44812, 45070, 45072, 45075, 45992, 45995, 45997, 46000, 46002
71 .... 43124, 46850
73 46851
139 45872

15 CFR

730 44770
736 44770
738 44770
746 44770
Proposed Rules:
801 43126

17 CFR

201 43042
232 43047
Proposed Rules:
229 43130
230 43130
240 43130
275 43530

18 CFR

39 44998
250 43937
385 43937
Proposed Rules:
375 43557
388 43557

19 CFR

Proposed Rules:
102 44555
149 43961

20 CFR

404 43048
655 43430

702 ... 43430
725 ... 43430
726 ... 43430
Proposed Rules:
404 ... 45079
405 ... 45079
416 ... 45079

21 CFR

1 ... 45912
14 ... 45409
20 ... 45409
101 ... 43061
108 ... 46828
172 ... 46578
876 ... 45229
882 ... 44771
Proposed Rules:
1 ... 43155
1005 ... 43155
1271 ... 43155

24 CFR

Proposed Rules:
982 ... 44100

25 CFR

575 ... 43941

26 CFR

1 ... 44508, 45008, 46582, 46832
301 ... 43488, 45012, 45409
602 ... 45008, 45012
Proposed Rules:
1 ... 43567, 44557, 45088, 46004
301 ... 44557

27 CFR

16 ... 43062

28 CFR

0 ... 43065
11 ... 43942
94 ... 44515
Proposed Rules:
32 ... 46019

29 CFR

5 ... 43430
500 ... 43430
501 ... 43430
503 ... 42983
530 ... 43430
570 ... 43430
578 ... 43430
579 ... 43430
801 ... 43430
825 ... 43430
1902 ... 43430
1903 ... 43430
2550 ... 44773, 44784
2560 ... 43430
2575 ... 43430
2590 ... 43430
4022 ... 45969

30 CFR

100 ... 43430
250 ... 46478
254 ... 46478
550 ... 43066, 46478, 46599
553 ... 43066
556 ... 46599
723 ... 44535
724 ... 44535
845 ... 44535
846 ... 44535
1202 ... 43338
1206 ... 43338
Proposed Rules:
914 ... 45425
916 ... 45426

31 CFR

356 ... 43069
501 ... 43071
535 ... 43071
536 ... 43071
537 ... 43071
538 ... 43071
539 ... 43071
541 ... 43071
542 ... 43071
543 ... 43071
544 ... 43071
546 ... 43071
547 ... 43071
548 ... 43071
549 ... 43071
560 ... 43071
561 ... 43071
566 ... 43071
576 ... 43071
588 ... 43071
592 ... 43071
593 ... 43071
594 ... 43071
595 ... 43071
597 ... 43071
598 ... 43071

32 CFR

706 ... 43077

33 CFR

27 ... 42987
97 ... 45012
100 ... 43079, 43488, 43947, 45013, 45015, 45018
117 ... 43947, 44541, 45018, 45020, 45232, 45971, 46599, 46833
147 ... 43947, 45018
160 ... 45012
165 ... 43079, 43085, 43087, 43089, 43947, 44209, 45018, 45022, 45414, 45972, 46600, 46601, 46833, 46835
Proposed Rules:
100 ... 44815
110 ... 45428, 46026
164 ... 44817
165 ... 43178, 44825

34 CFR

Ch. II ... 46817
270 ... 46808
271 ... 46808
272 ... 46808
Proposed Rules:
200 ... 44928, 44958

36 CFR

2 ... 45024
1235 ... 45249
1236 ... 45249
1237 ... 45249

38 CFR

17 ... 46601, 46603
38 ... 44792
Proposed Rules:
38 ... 44827

39 CFR

Proposed Rules:
111 ... 43965

40 CFR

Ch. I ... 43492
9 ... 45416
19 ... 43091
52 ... 43096, 43490, 43894, 44210, 44542, 44795, 45417, 45419, 45421, 46606, 46608, 46612, 46836
60 ... 43950, 44212, 45232
63 ... 45232
81 ... 44210, 45039
141 ... 46839
180 ... 43097
228 ... 44220
721 ... 44797, 45416
1065 ... 43101
Proposed Rules:
51 ... 43180
52 ... 43180, 43568, 44830, 44831, 45428, 45438, 45447, 46852, 46865, 46866
63 ... 45089
131 ... 46030
228 ... 45262

41 CFR

50–201 ... 43430

42 CFR

8 ... 44712
88 ... 43510
401 ... 44456
Proposed Rules:
8 ... 44576
401 ... 43790
405 ... 43790, 46162
409 ... 43714
410 ... 46162
411 ... 46162
414 ... 46162
416 ... 45604
417 ... 46162
419 ... 45604
422 ... 43790, 46162
423 ... 43790, 46162
424 ... 46162
425 ... 46162
460 ... 46162
478 ... 43790
482 ... 45604
484 ... 43714
486 ... 45604
488 ... 45604
495 ... 45604

44 CFR

Proposed Rules:
67 ... 43568

45 CFR

92 ... 46613
Proposed Rules:
75 ... 45270

46 CFR

1 ... 43950, 44230, 46848
2 ... 46848
10 ... 43950, 44230
11 ... 43950, 44230
12 ... 43950, 44230
13 ... 43950, 44230
14 ... 44230
15 ... 43950, 44230, 46848
97 ... 45012
136 ... 46848
137 ... 46848
138 ... 46848
139 ... 46848
140 ... 46848
141 ... 46848
142 ... 46848
143 ... 46848
144 ... 46848
199 ... 46848
Proposed Rules:
Ch. I ... 46042

47 CFR

Ch. I ... 43956
1 ... 43523, 44414
4 ... 45055
54 ... 44414, 45973
73 ... 43101, 43955, 44231
Proposed Rules:
0 ... 46870
1 ... 46870
4 ... 45095
54 ... 45447
63 ... 46870

48 CFR

Ch. 1 ... 45832, 45868
1 ... 45833
2 ... 45833, 45852
4 ... 45866
8 ... 45854
15 ... 45833, 45852
16 ... 45852
19 ... 45833
31 ... 45852
42 ... 45852
52 ... 45833, 45852, 45856
53 ... 45855
538 ... 43956
552 ... 43956
902 ... 45974
909 ... 45974
916 ... 45974
917 ... 45974
923 ... 45974
925 ... 45974
931 ... 45974
936 ... 45974
942 ... 45974
952 ... 45974
970 ... 45974
Proposed Rules:
915 ... 43971
934 ... 43971
942 ... 43971
944 ... 43971
945 ... 43971
952 ... 43971
1032 ... 45118
1052 ... 45118

49 CFR

8 ... 45979
209 ... 43101, 43105
213 ... 43105
214 ... 43105
215 ... 43105
216 ... 43105

217..........43105
218..........43105
219..........43105
220..........43105
221..........43105
222..........43105
223..........43105
224..........43105
225..........43105
227..........43105
228..........43105
229..........43105
230..........43105
231..........43105
232..........43105
233..........43105
234..........43105
235..........43105
236..........43105
237..........43105
238..........43105
239..........43105
240..........43105
241..........43105
242..........43105
243..........43105
244..........43105
272..........43105
392..........43957
578..........43524
1503..........42987

50 CFR

300..........45982, 46614
622..........45068, 45245, 46848
635..........44798
648..........43957, 46615
679..........45423

Proposed Rules:

17..........43972
32..........45790
223..........43979
224..........43979
665..........44249
679..........44251, 46883

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List July 8, 2016

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.